

ROY ALLEN & ASSOCIATES  
ASSOCIATES ROY ALLEN

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1  
2 URBAN DEVELOPMENT CORPORATION  
3 D/B/A EMPIRE STATE DEVELOPMENT CORPORATION  
4 -----x  
5 PUBLIC HEARING:  
6 RE: General Project Plan of the  
7 Seventh Regiment Armory  
8 -----x

9  
10 Seventh Regiment Armory  
11 643 Park Avenue  
12 New York, New York  
13 July 21, 2005  
14 2:06 p.m.  
15  
16

17 Before:  
18 Michael C. Forth,  
19 The Hearing Officer  
20  
21  
22

23 ROY ALLEN & ASSOCIATES, INC.  
24 521 Fifth Avenue, 17th floor  
25 New York, New York 10175

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EX. L

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2 A P P E A R A N C E S:

3 Carol Berens, The Empire State Development  
4 Corporation

5 William Sherman, The Empire State Development  
6 Corporation

7

8 Speakers

9 The Public

10 The Media

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20 Marc Russo, Court Reporter

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3

2

## INDEX:

	PAGE:
3 SPEAKERS:	
4 Suzanne Vlamis.....	14
5 Brendan Sexton.....	19
6 Wade Thompson.....	22
7 Elihu Rose.....	29
8 Kirsten Reoch.....	33
9 Andrew Lauck, Representing Council Member	
10 Eva Moskowitz.....	39
11 Ed Klein.....	42
12 Arie Kopelman.....	46
13 Seri Worden.....	49
14 Terri Rosen Deutsch.....	51
15 Roger Lang.....	54
16 David L. Dalva.....	57
17 Rita C. Chu.....	68
18 Peter Wells.....	71
19 Nikki Henkin.....	75
20 John F. McNamara.....	81
21 Thomas Levis.....	86
22 Lieutenant Colonel Daniel McNally.....	90
23 Alice Rich.....	97
24 Frank Sanchis.....	99
25 Kent Barwick.....	100

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1

4

2 SPEAKERS (CONTINUED) :

3 Catherine Sweeney Singer.....	104
4 Janet Ross.....	110
5 Barry Klein, representing Assembly Member	
6 Jonathan Bing.....	112
7 Shelley Mayer, representing New York City	
8 Landmarks and Preservation Commission Chairman,	
9 Robert B. Tierney.....	118
10 Josephine McCarita.....	119
11 Susan Ferrara.....	125

12

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## PROCEEDINGS

3 THE HEARING OFFICER: Good  
4 afternoon ladies and gentlemen. Thank you very  
5 much for attending today's public hearing.

6                   My name is Michael Forth and I  
7       am an attorney duly admitted to practice law in  
8       the State of New York.

I have been asked by the New York State Urban Development Corporation doing business as the Empire State Development Corporation, ESDC, to conduct today's public hearing pursuant to Section 16 of the New York State Urban Development Corporation Act.

15                                  This hearing is being held  
16                                  pursuant to a Public Notice published in  
17                                  accordance with the UDC Act in the July 6, 2005  
18                                  edition of The New York Post and The City  
19                                  Record.

25 The hearing will remain open

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2 for not less than one hour or until all members  
3 of the public who are present today at the  
4 hearing have been given an opportunity to make  
5 statements or comments on the proposed project.

6                   This is not a  
7 question-and-answer session though. A  
8 stenographic transcript of this hearing is being  
9 made.

10                  Comments presented at this  
11 hearing will be taken into consideration by ESD  
12 as part of the final approval of the proposed  
13 project.

14                  First, Carol Berens will  
15 present information about the project on behalf  
16 of ESD. Then I will recognize anyone else who  
17 wishes to make a comment about the project.

18                  I have a sign-in sheet and I've  
19 been instructed to go in order.

20                  If anybody else wants to come  
21 forward, I'll just put it here (indicating) and  
22 we'll just go down the list.

23                  I would ask that you come over  
24 here (indicating) because we're trying to make  
25 an accurate record.

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2 Try to speak as loudly and  
3 clearly as you I can and speak slowly so my  
4 stenographer will have no problems because he's  
5 shy and he won't tell you you're going too fast.

6 For your information, copies of  
7 ESD's General Project Plan for the proposed  
8 project are available for your information and  
9 convenience. They're located over there.

10 In order to give everyone an  
11 ample opportunity to speak, I request that  
12 speakers keep their oral presentations to no  
13 more than five minutes.

14 Speakers representing  
15 organizations with a substantial number of  
16 members are asked to register and identify  
17 themselves as such. And depending on the number  
18 of speakers wishing to be heard, they may be  
19 afforded up to ten minutes for their  
20 presentation.

21 In order to ensure an accurate  
22 transcript and to enable all assembled to hear  
23 your remarks, I ask each speaker when called to  
24 come right here to the front of the room  
25 (indicating.)

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2                   Please state your name and  
3         address.

4                   If you are appearing as a  
5         representative of an organization or  
6         governmental entity, please identify the  
7         organization or entity and state its address.

8                   Finally, I want to remind you  
9         that the purpose of this hearing is to afford  
10       you an opportunity to make statements about the  
11       ESDC General Project Plan for the proposed  
12       project.

13                  This is not a  
14         question-and-answer session.

15                  Now I'd like to take care of  
16         administrative matters by asking the  
17         stenographer to mark the following documents as  
18         exhibits to the hearing transcript:

19                  Exhibit Number 1 is the Public  
20         Notice that appeared in The New York Post and  
21         the City Record on July 6, 2005.

22                  I'm showing a copy to the  
23         audience.

24                  (Public Notice appearing in The  
25         New York Post and the City Record were marked as

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2      Hearing Exhibit Number 1.)

10 And Exhibit Number 3 is the  
11 document entitled, "Empire State Development  
12 Seventh Regiment Armory Civic Project General  
13 Project Plan dated June 16, 2005," which we also  
14 have here.

15 (Document entitled Empire State  
16 Development Seventh Regiment Armory Civic  
17 Project General Project Plan dated June 16, 2005  
18 was marked as Hearing Exhibit Number 3.)

22 MS. BERENS: Good afternoon.

23 My name is Carol Berens. I'm  
24 the Vice President at the Empire State  
25 Development Corporation and I'm here today to  
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2 present a brief summary of the project.

Because the Armory suffers from decades of minimal maintenance, the New York State Division of Military and Naval Affairs requested Empire State Development Corporation to help explore ways to preserve and restore

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2       this historically and culturally important  
3       Armory.

4                   In early 2000, a Request for  
5       Proposals was issued for a developer/operator  
6       for the Armory.

7                   Despite a broad outreach effort  
8       and extensive advertising, only one bid, that  
9       from the Conservancy, was received in November  
10      2000, the due date.

11                  During negotiations the  
12       Attorney General opined that amendment to the  
13       New York State Military Law was required in  
14       order to lease the Armory to a non-military  
15       entity.

16                  In 2004, the Governor signed a  
17       law authorizing ESDC to act on behalf of the  
18       State to lease the Armory and undertake related  
19       actions.

20                  The Division of Military and  
21       Naval Affairs and the City shelter retained  
22       space in the building.

23                  Day-to-day operations,  
24       programming and running of cultural and  
25       community use is permitted by a non-governmental

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2 entity. And capital repairs and maintenance  
3 expenses are excluded from State contracting  
4 procedures.

5 The Armory remains available  
6 for emergency use.

7 The Conservancy was established  
8 by prominent philanthropists to find ways to  
9 restore the Armory and return it to active  
10 public life.

11 The Conservancy agrees to the  
12 goals outlined in board materials which revolve  
13 around renovation of the building and the  
14 operation of a cultural arts center on as close  
15 to a year-round basis as possible.

16 It is anticipated that  
17 fundraising will allow renovation to start  
18 within four years of lease signing.

19 Rent will be based upon gross  
20 revenues from the commercial operations that  
21 will subsidize the non-for-profit components.

22 The Governor has allocated a  
23 five-year, \$30 million grant from Port Authority  
24 bank funds.

25 On page two of the Scope of  
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2 Work attached to the June, 2005 Directors'  
3 materials, there is a typo.

4 As noted in the project goals,  
5 programming of the Armory would generate  
6 activity as close to 330 days a year as  
7 possible, not more than 330 days as was written  
8 in the Scope of Work.

9 This will be corrected in  
10 subsequent submission to the ESDC Directors.

11 ESDC is the lead agency for  
12 environmental review and is conducting an  
13 environmental review pursuant to the State  
14 Environmental Quality Review Act.

15 The public is free to review  
16 and comment on the environmental assessment  
17 prepared by the Conservancy.

18 There are copies here for the  
19 public's information. If you run out of copies,  
20 please leave your name at the front desk and a  
21 copy will be sent to you. And a copy of the  
22 environmental assessment is in the front  
23 (indicating.)

24 Thank you very much.

25 THE HEARING OFFICER: Can the  
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2 people in the back hear?

3 THE AUDIENCE: No.

4 THE HEARING OFFICER: I'm  
5 sorry, we do not have a microphone. I will try  
6 to speak as loudly as possible.

7 I suggest that if you cannot  
8 hear, there are plenty of seats in the front.  
9 And I would ask whoever is going to be speaking,  
10 literally yell so everybody can hear.

11 Okay, according to our list, I  
12 cannot make out the last name, but Suzanne, are  
13 you here?

14 Do you wish to speak?

15 MS. SUZANNE VLAMIS: Yes.

16 THE HEARING OFFICER: Please  
17 come forward.

18 MS. SUZANNE VLAMIS: Welcome.

19 My name is Suzanne Vlamis.  
20 It's spelled S-U-Z-A-N-N-E, "V" for Victor,  
21 L-A-M-I-S.

22 I'm a native New Yorker  
23 residing at 405 East 82nd Street.

24 I'm a member of CERT which is  
25 the Citizens Emergency Response Team. I'm also  
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2 Vice President of Zoning on the Committee of  
3 Zoning for --

4 THE AUDIENCE: Louder, please.

5 MS. SUZANNE VLAMIS: -- the  
6 Upper East Side Neighborhood Association.

7 If you could, feel free to, you  
8 know, move up.

9 THE AUDIENCE: Is it possible to  
10 stand in the middle of the room?

11 MS. SUZANNE VLAMIS: Whatever is  
12 comfortable.

13 THE HEARING OFFICER: Are you  
14 going to be able to function that way?

15 THE COURT REPORTER: No.

16 MS. SUZANNE VLAMIS: I have the  
17 gentleman here that I have to --

18 THE HEARING OFFICER: She needs  
19 to be near the stenographer.

20 MS. SUZANNE VLAMIS: Okay,  
21 welcome.

22 The 67th Regiment Armory  
23 landmark structure must resume its place once  
24 again amidst grand New York City institutions.

25 Its historic impact must be

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2 restored to its prominent position as an  
3 incomparable urban fortress; a homeless women's  
4 haven and stellar arts and entertainment complex  
5 as planned.

6 Growing up in Manhattan as a  
7 child on 72nd Street, my personal contact with  
8 this castle-like building holds both a magical  
9 charm as well as a respectful reverence  
10 regarding its physical mass, sprawling size and  
11 monumental space celebrating special events  
12 unequaled in America today.

13 As an adult, I've spent many  
14 hours here enjoying the cultural Armory  
15 offerings of antiques, arts and books and its  
16 living, true treasures: Our fellow native New  
17 Yorkers and veterans.

18 Gathering at the Armory's gate  
19 is paramount in saving these modern ruins from  
20 further deterioration, musty decay and the  
21 ongoing legal battles.

22 The greater good of New York is  
23 the big picture here for us to focus on to  
24 rejuvenate its magical powers.

25 Though the Seventh Regiment

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2       owns the Armory and its artifacts, the  
3       Conservancy's creation and challenging vision  
4       are the constructive forces to preserve this  
5       impressive edifice and its environs for future  
6       generations of this City and to contribute to  
7       its intricate fabric of cultural life, military  
8       heritage and the social consciousness with its  
9       diverse, but committed citizenry here today.

10                     Building a site of this  
11      magnitude is unequivocal. Perpetuating the  
12      Armory is mandatory today.

13                     The Conservancy and its private  
14      donations with our civic conviction and vigilant  
15      community activism are the paths to this  
16      restoration and halting decades of sad neglect  
17      at last.

18                     Join us to celebrate the common  
19      cause.

20                     United we will achieve another  
21      urban dream on par of preserving Grand Central  
22      Terminal, Radio City Music Hall and even the  
23      Webster Local Library, as I have, and avoid the  
24      swift, greedy bulldoze of destruction of a grand  
25      Park Avenue Metropolitan mecca.

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2                           As the monument's caretakers as  
3     it were, we hope to gather others to our  
4     Armory's mission of fun, finesse and a finer  
5     City for all of us to share in.

6                           Thank you.

7                           I can give you a copy of this.

8                           THE HEARING OFFICER: Thank you  
9     very much.

10                          Yes, do you want to leave that?

11                          MS. SUZANNE VLAMIS: (Handing.)

12                          THE HEARING OFFICER: The  
13     record should reflect that we're accepting as  
14     Exhibit Number 4 a written statement.

15                          You have her name?

16                          THE COURT REPORTER: Yes.

17                          (The testimony of Suzanne  
18     Vlamis was marked as Hearing Exhibit Number 4.)

19                          THE HEARING OFFICER: Okay.

20     Next on our list, does Brendan Sexton wish to be  
21     heard?

22                          MR. BRENDAN SEXTON: Yes.

23     Thank you.

24                          THE HEARING OFFICER: Please  
25     come forward.

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2 MR. BRENDAN SEXTON: Thank  
3 you.

4 My name is Brendan Sexton and  
5 I'm here today as a member of the Board of the  
6 Seventh Regiment Armory Conservancy.

7                           My involvement with the  
8 Conservancy began in 1986 when I was President  
9 of the Municipal Arts Society, a group I should  
10 say which has had a long interest in the Armory  
11 and whose current President is here today as  
12 well.

Over the years of my involvement, I have been moved both by the elegance and opulence of the landmark's interiors as well as by the onward and continual deterioration of its condition.

I am greatly relieved that the State of New York now stands ready finally to take action to rectify the situation through a public/private partnership with the Seventh Regiment Armory Conservancy, as well as through a generous \$30 million grant towards the building's restoration.

I consider this grant as a

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2       generous and constructive contribution to help  
3       reverse the great burden here of deferred  
4       maintenance.

5                     This State money will help  
6       considerably towards the total cost of the work  
7       which, as each year elapses, rises higher and  
8       higher and now stands somewhere near \$130  
9       million.

10                  That is where a not-for-profit  
11      partner such as the Conservancy can bridge the  
12      gap through a fundraising campaign.

13                  I have no doubt that a New York  
14      landmark like the Armory and a cultural  
15      institution such as the Conservancy proposes,  
16      will be able to attract the funds necessary.

17                  Public/private partnerships  
18      have been a great solution to the plight of so  
19      many of our City's great landmarks and urban  
20      places, from Central Park to Times Square.

21                  Our partnership ensures that  
22      this great shrine to the military history of the  
23      State of New York remains in public ownership  
24      while allowing a not-for-profit organization to  
25      assume the responsibility to restore and then

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2 maintain the building.

3                             By investing private money into  
4 a State-owned building and then opening that  
5 building for the enjoyment and education of the  
6 public, this project and partnership rewards all  
7 of us.

8                             I am excited to be part of this  
9 project and I encourage other preservationists  
10 and community members to become involved in this  
11 endeavor and mission.

12                            I strongly encourage the Board  
13 of the Empire State Development Corporation to  
14 adopt the terms of their plan and to enter into  
15 a lease with the Conservancy as soon as  
16 possible.

17                            Thank you.

18                            THE HEARING OFFICER: Thank  
19 you, sir.

20                            Are you leaving a document?

21                            MR. BRENDAN SEXTON: Yes.

22                            THE HEARING OFFICER: This will  
23 be Exhibit Number 5 for Mr. Sexton.

24                            (The testimony of Mr. Brendan  
25 Sexton was marked as Hearing Exhibit Number 5.)

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2                   THE HEARING OFFICER: Does Wade  
3                   Thompson wish to be heard?

4                   MR. WADE F.B. THOMPSON: Yes.

5                   THE HEARING OFFICER: Please  
6                   come forward.

7                   MR. WADE F.B. THOMPSON: Thank  
8                   you.

9                   Good afternoon everybody.

10                  My name is Wade Thompson. I  
11                  live at 4 East 66th Street.

12                  I am a Board Member of the  
13                  Municipal Arts Society and I am the founder and  
14                  Chairman of the Seventh Regiment Armory  
15                  Conservancy.

16                  I became involved in the fight  
17                  to save the Armory nine years ago when the  
18                  plight and deteriorating condition of the  
19                  building, which I passed on a daily basis,  
20                  became impossible to ignore.

21                  As a member of the Municipal  
22                  Arts Society Board, I encouraged other  
23                  preservationists and community leaders to join  
24                  me in advocating change at the Armory.

25                  That effort lead to the

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2 creation of the Conservancy, a not-for-profit  
3 organization whose sole mission is to restore  
4 the Armory and ensure its ongoing public use for  
5 the future.

6 It is very gratifying to see  
7 that effort so close to being completed through  
8 this hearing and the review process that we are  
9 currently undergoing.

10 I consider the Armory  
11 Conservancy as the building equivalent of the  
12 enormously successful Central Park Conservancy  
13 established 25 years ago.

14 We all know how Central Park  
15 has improved the quality of life of our great  
16 City for all New Yorkers and its visitors.

17 This building stands as the  
18 finest extant example of the American Aesthetic  
19 Movement and it contains one of the greatest  
20 collections of decorative interiors in the  
21 entire -- in the entire nation.

22 They suffer from decades of  
23 neglect and lack of funds.

24 In 1999, the building was  
25 placed on the World Monuments Fund's 100 list of

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2       the 100 most endangered sites in the entire  
3       world along with Machu Picchu and Angkor Wat.

4       That's how important this building is.

5                   But despite the attention this  
6       brought, the Armory has continued to deteriorate  
7       during the six years since then.

8                   We at the Conservancy have  
9       always believed that public/private partnership  
10      between the State of New York and the  
11      not-for-profit Conservancy was the best means to  
12      rectify the deteriorated condition of the  
13      Armory.

14                  Through years of discussions  
15      and deliberations and \$3 million of private  
16      funds of the -- spent on the finest consultants,  
17      lawyers and experts, a vision of this building  
18      fully restored and functioning as a cultural  
19      arts center is finally becoming a close reality.

20                  This plan combines the best  
21      aspects of historic preservation, community  
22      involvement, adaptive reuse for one of New  
23      York's and the nation's most important  
24      landmarks.

25                  Our vision of a restored and

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2 rejuvenated Armory will benefit the City, the  
3 State, the surrounding neighborhood and the  
4 residents alike.

5 The plan is a mixture of the  
6 art and antique shows;

9 Multi-media arts exhibitions;  
10 Acoustic and classical music,  
11 concerts;

## 15 Educational programs;

Community uses and a model  
homeless shelter for women that will be  
professionally managed and operated to benefit  
all.

Upon the signing of the lease  
with the State of New York, the Conservancy will  
enter into a period of planning and design,  
outreach and discussion with all the local co-op  
buildings and businesses, an effort I may say  
which is already started, and continue

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2 discussions with all community groups and others  
3 who are concerned with the building's future.

4 As a community-based  
5 not-for-profit ourselves largely consisting of  
6 neighborhood residents, it is a stewardship and  
7 responsibility we take very seriously.

8 This landmark as State  
9 property, and I emphasize "as State property," is  
10 the property of the people of the great State of  
11 New York.

12 The dilapidated and neglected  
13 state of this public building imperils the  
14 public interest. The highly important  
15 interiors closed off from public view and access  
16 restricts the public from their rights to the  
17 property at large.

18 The State will lease the Armory  
19 to the Conservancy for 99 years and the State  
20 has committed, as mentioned, \$30 million to this  
21 project.

22 We have received, in addition,  
23 private pledges of \$20 million already and we  
24 have not even started the capital campaign.  
25 That is over 40 percent of the planned total.

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2 cost of approximately \$120 million needed for  
3 full restoration and to open the building for  
4 the pleasure and the education of the residents  
5 of New York City, the State and its visitors.

6 We at the Conservancy envision  
7 a day when the dark and decaying Armory that you  
8 see around you, endangered, dilapidated and  
9 unsafe, is transformed into a world-class place  
10 of civic pride;

11 When its significant interiors  
12 are restored to their original splendor;

13 When its artistry and social  
14 and military history are preserved and  
15 interpreted with all the respect they deserve;

16 And its artistic programs are  
17 applauded for their imagination and high  
18 aesthetic values.

19 It is also our hope that all  
20 litigation over the artifacts collection  
21 associated with the Regiment's long, illustrious  
22 history will be positively and quickly resolved  
23 and that the collection will be able to remain  
24 within the Armory and finally be available for  
25 viewing by the citizens and the visitors of New

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2 York.

3                   It is imperative that the  
4 Empire State Development Corporation Board  
5 ratify the terms of this lease to the  
6 Conservancy and then quickly execute the lease  
7 itself.

8                   The Conservancy stands ready to  
9 immediately invest money in urgently needed  
10 repairs and stabilization which should reduce  
11 the ongoing damage until the restoration can  
12 begin.

13                  Thank you.

14                  (Applause.)

15                  THE HEARING OFFICER: Thank  
16 you.

17                  Do you wish to offer the  
18 document into evidence also or do you wish to  
19 keep it?

20                  MR. WADE F.B. THOMPSON: Yes,  
21 please.

22                  THE HEARING OFFICER: The  
23 record should reflect that Mr. Thompson has  
24 submitted his speech and we will mark it as  
25 Exhibit number, I believe 6, Exhibit 6.

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5 THE HEARING OFFICER: Does Elihu  
6 Rose wish to be heard?

7 MR. ELIHU ROSE: Yes.

8 THE HEARING OFFICER: Thank  
9 you, sir.

10 MR. ELIHU ROSE: Good  
11 afternoon.

12 My name is Elihu Rose. I live  
13 at 2 East 88th Street and I'm the Vice Chairman  
14 of the Seventh Regiment Armory Conservancy as  
15 well as being a professor of Military History at  
16 New York University.

21 It was not just "a" national  
22 guard regiment, it is "the" national guard  
23 regiment.

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2                   It was the perfect evocation of  
3       the era of opulence and military pride of New  
4       York's gilded age.

5                   Today, the historic fabric of  
6       this building decays around us.

7                   When we, the public, visit the  
8       Armory, what do we see, or more important, what  
9       do we miss?

10                  Well, we see scaffolding  
11       keeping out water infiltration; we see plaster  
12       falling around our ears; we see buckling stained  
13       glass; we walk on warping wood floors; we see  
14       alarming structural cracks and we see draperies  
15       hiding the original beauty and we see tacky  
16       bathrooms in the basement.

17                  More importantly, what do we  
18       miss? We miss that elegant view of the  
19       fifty-five thousand square feet in the Drill  
20       Hall with its soaring 60-foot ceilings. We miss  
21       the beautiful reception rooms and the  
22       architectural gems that are the Company Rooms on  
23       the second floor.

24                  Now, contrast this with the  
25       experience of the historic events in the

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31

2 building's past.

3                             The building was opened with  
4                             Walter Damrosch, the great conductor leading the  
5                             New York Philharmonic Orchestra.

6                             There were balls in the Grand  
7                             Reception Room;

8                             There were public fares;

9                             Sporting events;

10                          Tournaments;

11                          Family entertainment.

12                          The Seventh Regiment was built  
13                          at a moment of intense architectural and  
14                          artistic activity. The collection of artists  
15                          and architects who worked in these rooms reads  
16                          like a veritable who's-who of the decorative  
17                          arts world.

18                          Names like Louie Comfort  
19                          Tiffany, Stanford White, Candance Wheeler, the  
20                          list goes on and on.

21                          And that was the building that  
22                          was.

23                          Its present deteriorated  
24                          condition needs to be addressed quickly and  
25                          completely. It cannot be done piecemeal.

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32

2                   The exterior and the structural  
3 problems need to be addressed concurrent with  
4 the repair and restoration of the interior.

5                   We have in the Seventh Regiment  
6 Armory Conservancy and its friends, a  
7 not-for-profit, community-based on local  
8 residents, historic preservationists, artists,  
9 art-lovers, retired National Guard personnel and  
10 many others who have committed themselves to  
11 rectifying this deplorable situation and opening  
12 this magnificent building to the public.

13                  I support the Empire State  
14 Development Corporation's proposed plan to lease  
15 the Armory Conservancy -- lease the Armory to  
16 the Conservancy in a public/private partnership  
17 to address the current situation at the Armory  
18 and to work with the Conservancy to transform  
19 this endangered monument into a place of civic  
20 pride and enjoyment once again.

21                  Thank you.

22                  THE HEARING OFFICER: Thank  
23 you, sir.

24                  Do you wish to --

25                  MR. ELIHU ROSE: I'll file it.

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33

2                           THE HEARING OFFICER: Can we  
3       please have Kirsten Reoch.

4                           And before you begin, let me  
5       just make a statement.

6                           I have been handed a one-page  
7       document entitled, "Testimony of Elihu Rose."

8                           We will mark this document as  
9       Exhibit Number 7.

10                          (The testimony of Ms. Elihu  
11       Rose was marked as Hearing Exhibit Number 7.)

12                          MS. KIRSTEN REOCH: My name is  
13       Kirsten Reoch. I'm with the Seventh Regiment  
14       Armory Conservancy here at 643 Park Avenue.

15                          I'm here to read statements  
16       from members and supporters who could not be  
17       here today.

18                          My first statement is from  
19       Steven Lash, Chairman of Christie's America.

20                          Dear Board Members of the  
21       Empire State Development Corporation:

22                          As the Chairman of Christie's  
23       America, I appreciate the Armory in its dual  
24       roles, as a great work of art in and of itself  
25       by some of the greatest figures in decorative

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34

2 arts and as the venue for highly important art  
3 and antique fares which are a valuable part of  
4 the art sales market in the City and in the  
5 world.

6 I value both of these aspects  
7 of the Armory and I'm very happy to be a member  
8 of Seventh Regiment Armory Conservancy Board,  
9 since the Conservancy's plan would ensure that  
10 both facets of this landmark will be maintained  
11 and improved.

12 The Conservancy's plan to  
13 expand and improve the programming at the Armory  
14 builds upon the tradition of the best of the art  
15 antique shows. Indeed, one of its partners is  
16 the Winter Antiques Show, while also bringing in  
17 a mixture of mediums and not-for-profit uses.

18 Together these will benefit the  
19 cultural life of New York City as a whole.

20 The shows themselves will  
21 benefit immeasurably from the improvement to the  
22 building's infrastructure, circulation,  
23 mechanical systems and public amenities.

24 While these programmatic uses  
25 are important to the ongoing operation and

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2 success of the Armory and its role in our  
3 community, it's the restoration of the Period  
4 Rooms by Tiffany, Stanford White, the Herter  
5 Brothers and other luminary names which is truly  
6 exciting to an art lover like myself.

7 It is exciting to imagine these  
8 dark and damaged interiors restored,  
9 well-lighted and finally open for the public to  
10 view and enjoy.

11 I strongly urge the Board of  
12 the Empire State Development Corporation to move  
13 ahead with this project and enter into a lease  
14 with the Conservancy so this project can come to  
15 fruition as soon as possible.

16 Sincerely, Stephen Lash.

17 My next letter is from Richard  
18 Moe, Chairman of the National Trust for Historic  
19 Preservation.

20 Dear Chairman Gargano:

21 I am writing regarding the  
22 Seventh Regiment Armory in New York City, an  
23 extraordinarily important landmark, historically  
24 and architecturally.

25 The National Trust for Historic

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36

2 Preservation has had a keen interest in this  
3 building for some years. We have been  
4 following the plans by the Seventh Regiment  
5 Armory Conservancy to restore the building and  
6 to manage it in the way that makes it an  
7 important community asset.

8                   We have provided technical  
9 assistance to them along the way and hope to  
10 continue such a relationship throughout the  
11 restoration process.

12                  I understand the Empire State  
13 Development Corporation is very near entering  
14 into a long-term lease with the Conservancy  
15 which will allow the restoration to proceed, and  
16 that the State of New York has committed \$30  
17 million to the cost of the work.

18                  This is wonderful and  
19 encouraging news.

20                  This building has been  
21 deteriorating for many years and deserves the  
22 attention that the Conservancy and the State now  
23 intend to give it.

24                  We applaud the State's current  
25 actions to finalize the agreements with the

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37

2 Conservancy and we urge the State to complete  
3 the lease process as quickly as possible.

4 Thank you for your efforts on  
5 behalf of this great National landmark.

6 Finally, I have a letter from  
7 Gorman Reilly, President of CIVITAS.

8 Dear Chairman Gargano:

9 I am writing as resident of  
10 CIVITAS Citizens, Inc., a neighborhood  
11 organization concerned with zoning, land use and  
12 development on the Upper East Side and East  
13 Harlem.

14 Members of the CIVITAS Board of  
15 Directors recently toured the Armory and were  
16 delighted with the rich collection of historic  
17 interiors, but dismayed at the deteriorating  
18 condition of the building.

19 I urge you and the ESDC Board  
20 to approve and ratify the General Project Plan  
21 to restore this historic treasure and enhance  
22 its contribution to the cultural and community  
23 life of the Upper East Side.

24 This project is of exceptional  
25 merit in that it will restore a national, State

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38

2 and city landmark, increase the Armory's public  
3 accessibility and use, will provide housing for  
4 a fragile homeless population and will add to  
5 the cultural richness of the community it  
6 serves, all without a change in the zoning or  
7 adding to bulk of the original structure.

8 In many ways, it is a plan  
9 which takes the potential and heritage of the  
10 Seventh Regiment and enhances and reveals it for  
11 the enjoyment of the City and its visitors.

12 Thank you.

13 THE HEARING OFFICER: Thank  
14 you.

15 Do you wish to submit the  
16 documents?

17 MS. KIRSTEN REOCH: I do.

18 THE HEARING OFFICER: Could you  
19 please put them in whatever order they were?

20 MS. KIRSTEN REOCH: Yes.

21 THE HEARING OFFICER: Is this  
22 how you read them?

23 MS. KIRSTEN REOCH: Yes.

24 THE HEARING OFFICER: Okay, the  
25 record should reflect that the Christie's Letter

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39

2 will be Exhibit Number 8.

3 (The testimony of Chairman  
4 Stephen Lash of Christie's America was marked as  
5 Hearing Exhibit Number 8.)

6 The National Trust document  
7 will be 9.

8 (The testimony of Mr. Richard  
9 Moe from the National Trust for Historic  
10 Preservation was marked as Hearing Exhibit  
11 Number 9.)

12 And Chairman -- oh, wait,  
13 sorry, CIVITAS, this one-page letter will be 10.

14 (The testimony of President T.  
15 Gorman Reilly of CIVITAS was marked as Hearing  
16 Exhibit Number 10.)

17 THE HEARING OFFICER: I hope I'm  
18 not going to butcher your name, but is Andrew  
19 Lauck here?

20 MR. ANDREW LAUCK: Yes.

21 THE HEARING OFFICER: Do you  
22 wish to speak, sir?

23 MR. ANDREW LAUCK: Yes,  
24 please.

25 My name is Andrew Lauck. I'm  
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2 here representing Council Member Eva Moskowitz  
3 of the City of New York.

4 The Council Member wrote a  
5 letter to Chairman Charles Gargano of the Empire  
6 State Development Corporation dated July 18,  
7 2005.

8 I'm here to read that to you.

9 Dear Mr. Gargano,

I am writing to express my support for the Seventh Regiment Armory Conservancy and their effort to obtain the lease for the Armory at 640 Park Avenue from the State of New York.

15 It is my understanding that the  
16 Conservancy plans to restore the building and  
17 manage daily operation should they acquire the  
18 lease.

19                           In a time when public funds  
20       are needed in so many areas for so many  
21       different purposes, it is wonderful to see a  
22       community organization willing to restore and  
23       manage a building that is used by the public.

24 I trust that should the  
25 Conservancy obtain the lease from New York

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41

2 State, they will conduct the restoration and  
3 daily operations with the utmost care and  
4 responsibility.

5 I urge you to grant this  
6 organization the lease to the Seventh Regiment  
7 Armory so that this fine building can be  
8 restored and made available it all New Yorkers  
9 in the future.

10 Sincerely, Eva Moskowitz,  
11 Council Member, 4th District, Manhattan.

12 THE HEARING OFFICER: Thank  
13 you, sir.

14 Do you wish to submit the  
15 document into evidence?

16 MR. ANDREW LAUCK: Yes,  
17 please.

18 THE HEARING OFFICER: Thank  
19 you.

20 Exhibit Number 11 will be the  
21 one-page letter from Council Member Eva  
22 Moskowitz.

23 (The testimony of Council  
24 Member Eva Moskowitz was marked as Hearing  
25 Exhibit Number 11.)

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42

2 THE HEARING OFFICER: Is Ed  
3 Klein present?

4 MR. ED KLEIN: Yes, sir.

5 THE HEARING OFFICER: Do you  
6 wish to speak, sir?

7 MR. ED KLEIN: Yes.

8 My name is Edward Klein.

9 I reside at 216 Starling Court,  
10 Manhasset, Long Island.

11 I am -- been retired, Major  
12 General from the New York Army National Guard  
13 and as the former Commanding General of the New  
14 York Army National Guard and a member of the  
15 Veterans of the Seventh Regiment, I'm saddened  
16 by the present condition of the Seventh Regiment  
17 Armory.

18 Years of negligent and regular  
19 maintenance have allowed this historic building  
20 to deteriorate.

21 It is evident that we need the  
22 assistance of a non-profit group to address the  
23 situation and provide a viable solution for  
24 restoring the integrity of the magnificent  
25 building.

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43

I have recently joined the  
Board of Directors of this group and plan to  
work closely with the members to ensure that the  
history, architecture and art of the Seventh  
Regiment Armory are preserved and displayed  
proudly for generations to come.

24                           Its distinguished and  
25     handsomely-appointed regimental rooms, which few

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44

2 have had the privilege to see, must be open to  
3 the public.

16 And in accordance with Military  
17 Law, its spaces will be made available to  
18 veterans group -- groups free of charge.

21 We have a great opportunity to  
22 save the Armory and accomplish this without  
23 spending taxpayer money.

24 The Conservancy has already  
25 privately raised millions of dollars and is

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2 committed to raising over 100 million dollars  
3 towards this project.

I therefore commend the Governor, the Empire State Development Corporation and the Seventh Regiment Armory Conservancy for pursuing this initiative.

16 We must continue to all work  
17 together towards our common goal.

18 Thank you.

19 THE HEARING OFFICER: Thank you  
20 very much.

21                           Would the record reflect I've  
22       just been handed a one-page document which was  
23       Mr. Klein's speech.

24 The exhibit will be marked as  
25 Number 12.

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46

2 (The testimony of Major General  
3 Edward Klein was marked as Hearing Exhibit  
4 Number 12.) .

5 THE HEARING OFFICER: Arie  
6 Kopelman?

7 MR. ARIE KOPELMAN: Yes.

8 THE HEARING OFFICER: Would you  
9 like to speak, sir?

10 MR. ARIE KOPELMAN: Yes.

11 Thank you.

12 My name is Arie Kopelman and I  
13 am a resident of 625 Park Avenue for the last  
14 ten years. And before that I lived at 45 East  
15 66th Street, on the corner of Madison Avenue, a  
16 building which was about to be torn down when  
17 we, the residents, started an effort to get it  
18 designated as a landmark and preserved.

19 I'm here really in three  
20 capacities, not only as a neighbor, but as a  
21 user.

22 I've been Chairman of the  
23 Winter Antique Show for the last 11 years and so  
24 I know first-hand just how dilapidated this  
25 building is because we're in it and we work here

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47

and it's a very important venue for us.

6                           We net, not raise, net over one  
7       million dollars a year for the Settlement House  
8       as a direct result of the Winter Antique Show.  
9       And as a result, this is a labor of love for me,  
10      but most importantly, in addition, I want to  
11      point out that I am a preservationist first and  
12      foremost.

I'm a past President of the  
Nantucket Historical Association; I'm a Founding  
member of the Upper East Side Historic District;  
I am a member of the Municipal Arts Society  
Board and a very proud member of the Board of  
the Seventh Regiment Armory Conservancy.

19 So I'm no Johnny-come-lately  
20 having spent most of my adult life involved in  
21 preservation.

24 So people who talk the talk are  
25 one thing, but this building has been allowed to

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48

2 fall apart for many, many years and it upsets me  
3 in every way to see all the gab, but no action.

4                   This will require over a  
5 hundred million dollars, as you have heard. The  
6 money will not be raised except in the way that  
7 we have described or various people have  
8 described so far.

9                   I don't want to be redundant  
10 and repeat it all, but now is the time to walk  
11 the talk, to make things happen and to create a  
12 fabulous building for the use of this great city  
13 and State.

14                  It has not happened, people  
15 have sat by and watched it deteriorate with  
16 patch jobs.

17                  It is time to take action. It  
18 is time to make this the building that it once  
19 was. And it is time once and for all for the  
20 citizens of this great city and State to use the  
21 building in a way that most people will be able  
22 to enjoy and pass on for many generations.

23                  So I am here with great  
24 enthusiasm, great pride. I see the building  
25 every single day. I've lived at 66th and

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49

2 Madison for 20 years, as I mentioned. And I  
3 lived next door as a neighbor for over ten  
4 years.

5 It's time to get moving.

6 Thank you.

7 THE HEARING OFFICER: Thank  
8 you.

9 Seri Worden?

10 MS. SERI WORDEN: Good  
11 afternoon.

12 I'm Seri Worden, the Executive  
13 Director of FRIENDS of the Upper East Side  
14 Historic Districts located at 20 East 69th  
15 Street, New York, New York.

16 FRIENDS supports the State of  
17 New York's plan to lease the Armory to the  
18 Seventh Regiment Armory Conservancy.

19 The condition of the Armory has  
20 been a disgrace for so many years that FRIENDS  
21 can applaud this step to preserving this  
22 magnificent landmark.

23 We find that a cultural venue  
24 at this location on the Upper East Side would be  
25 a reasonable option and an asset to the

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50

2 community.

3 We do know that some neighbors  
4 have concerns about the proposed use of the  
5 building and alterations to the exterior.  
6 We'll be watching the Conservancy to make sure  
7 that such modifications are appropriate and  
8 events not overly troublesome.

9 FRIENDS looks forward to  
10 hearing from the Conservancy on proposed work  
11 which will be reviewed by the Landmarks  
12 Preservation Commission.

13 We're particularly eager to see  
14 the exterior and interior repaired and restored  
15 giving this remarkable structure the care it  
16 deserves.

17 In the interest of full  
18 disclosure, FRIENDS' President and a board  
19 member serve on the Seventh Regiment  
20 Conservancy's Board.

21 Thank you.

22 THE HEARING OFFICER: Thank  
23 you.

24 Let the record reflect that I  
25 have a one-page document submitted by FRIENDS of  
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51

2 the Upper East Side Historic Districts.

3 This will be marked as Exhibit

4 Number 13.

5 (The testimony of FRIENDS was

6 marked as Hearing Exhibit Number 13.)

7 THE HEARING OFFICER: Do we have

8 Terri Rosen, is it Densel?

9 MS. TERRI ROSEN DEUTSCH:

10 Deutsch.

11 THE HEARING OFFICER: Okay.

12 MS. TERRI ROSEN DEUTSCH: Good  
13 afternoon.

14 My name is Terry Rosen Deutsch  
15 and I'm Director of External affairs for Hunter  
16 College located at 695 Park Avenue, New York,  
17 New York.

18 I'm here today to State Hunter  
19 College's continuing interest in the use of  
20 space on a permanent basis at the Seventh  
21 Regiment Armory.

22 It's clear that there is a  
23 natural partnership between the two  
24 institutions, both owned by the State.

25 We believe our programs and our  
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2 ability to share our support staff, maintenance  
3 and security staff and maintenance and security  
4 staff, will be a great asset to the Armory. And  
5 that the Hunter College population will enhance  
6 programming by bringing the diversity of New  
7 York City into all aspects of the Conservancy's  
8 cultural plan.

9 Our interest has been  
10 longstanding.

11 Since August of 2001, we have  
12 met on several occasions with members of the  
13 Conservancy Board and staff to express our  
14 desire to explore space for some of our artistic  
15 programs.

19 Hunter's art departments,  
20 music, dance and theater, need space for  
21 rehearsals, classrooms and intermittent use of  
22 space for meetings and conferences.

23 And we are not seeking to use  
24 the space that most of the other groups that  
25 you've heard about today are interested in, but

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53

2 we do have various events that we might want  
3 considered for use of the Drill Hall space such  
4 as a graduation.

5 Our desire instead is for use  
6 of some of the other less desirable spaces,  
7 specifically on the upper floors.

8 We'd be happy to partner with  
9 the Conservancy on the public programming aspect  
10 of the plan and we believe our students would be  
11 a great and welcomed audience for many of the  
12 programs already planned.

13 Our Upper East Side neighbors  
14 associate Hunter College with excellent public  
15 programming in the arts at the Kaye Playhouse.

16 In addition, we believe we have  
17 something to offer some of the tenants of the  
18 Armory such as the women's shelter.

19 The students and faculty of  
20 Hunter's Premier Social Work School could create  
21 community service projects working with shelter  
22 residents.

23 Lastly I say we have strong  
24 support from many about Hunter's request for use  
25 of space in the neighborhood.

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54

2                   We look forward to discussing  
3                   further and working together to help the Seventh  
4                   Regiment Armory Conservancy create a world-class  
5                   cultural center at the Armory.

6                   Thank you.

7                   THE HEARING OFFICER: Thank  
8                   you.

9                   Do you wish to submit?

10                  MS. TERRI ROSEN DEUTSCH: Yes.

11                  THE HEARING OFFICER: Let me  
12                  see the documents?

13                  MS. TERRI ROSEN DEUTSCH:

14                  (Handing.)

15                  THE HEARING OFFICER: Thank  
16                  you.

17                  Exhibit Number 14 is a two-page  
18                  statement from Hunter, the City of New York  
19                  dated July 21, 2005.

20                  (The testimony of Terri Rosen  
21                  Deutsch, Director of External Affairs for Hunter  
22                  College, was marked as Hearing Exhibit Number  
23                  14.)

24                  THE HEARING OFFICER: May we  
25                  have Roger Lang.

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2 MR. ROGER LANG: Yes, sir.

3 Good afternoon.

4 I'm Roger Lang speaking on  
5 behalf of the New York Landmark Conservancy with  
6 offices at 141 Fifth Avenue.

7 The Landmarks Conservancy is a  
8 private, independent, citywide not-for-profit  
9 group located in and active throughout New York  
10 City.

11 We are not affiliated with the  
12 Seventh Regiment Armory Conservancy, although we  
13 share its mission of history of historic  
14 preservation and its goal of seeing the historic  
15 Armory renovated, restored and reused as a  
16 cultural center for the visual and performing  
17 arts.

18 I might add that that  
19 renovation would include air-conditioning which  
20 we would all be most welcome.

21 (Laughter.)

22 MR. ROGER LANG: We commend  
23 the Empire State Development Corporation for  
24 action last month, adopting the General Plan for  
25 the Seventh Regiment Armory Civic Project.

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56

2                   Integral to the plan is the  
3        99-year lease about which testimony is being  
4        heard today.

5                   The proposed lease will further  
6        an exemplary public/private partnership giving  
7        the Seventh Regiment Armory Conservancy standing  
8        to pursue raising the very substantial funds  
9        necessary to implement the plan and to achieve  
10      its goals.

11                  The lease does not relieve the  
12        Conservancy of its other obligations, including  
13        obtaining the necessary approvals from other  
14        City and State agencies including the State  
15        Historic Preservation Officer and the New York  
16        City Landmarks Preservation Commission.

17                  We urge ESDC to execute this  
18        lease at the earliest possible opportunity. And  
19        we thank you for the opportunity to present the  
20        Landmarks Conservancy's views.

21                  THE HEARING OFFICER: Thank  
22        you.

23                  MR. ROGER LANG: (Handing.)

24                  THE HEARING OFFICER: Thank  
25        you.

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57

2 Let the record reflect that  
3 Exhibit Number 15 is the one-page statement from  
4 Mr. Roger Lang.

5 (The testimony of Mr. Roger  
6 Lang was marked as Hearing Exhibit Number 15.)

7 THE HEARING OFFICER: Do we have  
8 David L. Dalva?

9 Yes? No?

10 MR. DAVID L. DALVA: Yes.

11 THE HEARING OFFICER: Oh, okay.

12 MR. DAVID L. DALVA: Good  
13 afternoon.

14 Thank you for coming and  
15 attending.

16 I am First Vice President of  
17 the Seventh Regiment Veterans and I'm also one  
18 of the Vice Presidents of the Seventh Regiment  
19 Fund.

20 The Seventh Regiment Fund is at  
21 this point the owner of all of the artifacts in  
22 the building including -- except for this Panel  
23 Room which is owned by the veterans  
24 (indicating.)

25 The State in trying to work  
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1

58

2 around our ownership, passed legislation in  
3 2004, which I think that all of you should bring  
4 up on their website and read because you'll find  
5 it has such interesting phrases in it as the  
6 State has deemed that the paneling attached to  
7 the walls become the property of the State when  
8 it was installed.

9 So for the last hundred and  
10 some odd years without anybody's knowledge, this  
11 has been the property of the State of New York,  
12 retroactively.

13 There are other interesting  
14 parts of that legislation that should be read.  
15 It is to the benefit of the State, the State in  
16 that document claims the ownership of the  
17 building.

18 How does it claim ownership of  
19 building. Ah, well, the building is owned by  
20 the trustees and the State acknowledges that,  
21 but because the trustees work for the National  
22 Guard or belong to the Natural Guard, therefore  
23 they are an instrumentality of the State. Which  
24 is the equivalent of saying if you have a trust  
25 officer at a particular bank, that bank owns

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1

59

2 your property because the trustee works for the  
3 bank. So, it's very interesting.

6 We've talked to the Conservancy  
7 a number of times and we have never gotten them  
8 to tell us that they were going to restore the  
9 rooms and preserve them as should be done.

10 Mr. Thompson has said a number  
11 of times to me that they may have to rent out  
12 the rooms because they need the money and it's a  
13 tremendous problem of how they're going get --  
14 keep cash flow.

15 As an art dealer and a  
16 preservationist, I know you don't rent out rooms  
17 if you want to preserve them.

24                            We have tried on numerous times  
25        to discuss this with the State of New York.

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60

2                           The State of New York over a  
3 nine-year period that they've sued us, has not  
4 ever picked up the phone and said perhaps we  
5 would like to sit down and talk to you.

6                           When I was on the Board of the  
7 Conservancy as one of the founders along with  
8 Mr. Thompson, he asked me number of times why we  
9 couldn't just sign over art to the State so that  
10 we can move on with doing the Conservancy.

11                          And we tried to explain to Mr.  
12 Thompson that this was not my property. It was  
13 owned by the veterans and I was a trustee for.  
14 And if I gave it away to the State of New York  
15 or if I did not defend it as vigorously as  
16 possible, I would become liable.

17                          The veterans are a  
18 not-for-profit organization and have been a  
19 not-for-profit organization since it was  
20 founded.

21                          The Seventh Regiment Fund is  
22 also a not-for-profit organization.

23                          The Seventh Regiment Historical  
24 Association is not only a not-for-profit, but it  
25 is organized under the Board of Regents with a

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1

61

2 permanent charter and would be one of the  
3 vehicles we would use to hold the works of art  
4 and to display them.

5 We also have the Seventh  
6 Regiment Museum which is another corp.,  
7 not-for-profit corporation which would again,  
8 would be our vehicle to display all of these  
9 things and to preserve them.

10 I don't understand the  
11 reference that the people in the Conservancy  
12 have made to how they were going to display all  
13 of the art and all of the fixtures in the  
14 building.

15 I don't understand it for two  
16 reasons: One, they don't own it, the veterans  
17 own it.

18 Two, their charter, at least  
19 the way I read their charter, specifically  
20 forbids them for having any art or a museum  
21 where they display things. Very unusual  
22 document.

23 Again, I suggest that you pull  
24 it up on the website and read it for yourself.  
25 Perhaps I've interpreted incorrectly.

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1

62

2                           The ESD in this proposal has  
3                           stated that once there is a \$9 million  
4                           threshold, that 20 percent of the gross will be  
5                           sent, will be given to the State of New York.

6                           Again, interestingly enough,  
7                           the State of New York does not own this  
8                           building, did not put any money in the building  
9                           of this building. The building was built by the  
10                          Seventh Regiment and by its friends and  
11                          veterans.

12                          It is on New York City land.

13                          The lease provides that it be  
14                          used exclusively for the military purposes of  
15                          the Regiment or revert to City ownership.

16                          So at this point when there is  
17                          only ten military people in the building, we  
18                          feel that it has reverted to City ownership and  
19                          this is a City building at this point, not a  
20                          State building.

21                          Again, why the State should get  
22                          money that belongs to the City of New York  
23                          through its ESD, which is a State entity, is  
24                          again a puzzle to me.

25                          People from Hunter spoke and I  
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1

63

2 don't know whether it's still true, but the last  
3 time I looked at Hunter's website, they were  
4 talking of a quarter of a million square foot  
5 addition to Hunter using the air rights from  
6 this property.

7

A VOICE: That was 1999.

8

MR. DAVID L. DALVA: Yes,  
9 ma'am, but if it hasn't been taken off.

10

A VOICE: We'll make sure it  
11 is.

12

MR. DAVID L. DALVA: I would  
13 appreciate it because --

14

A VOICE: It's not part of the  
15 plan.

16

MR. DAVID L. DALVA: Yeah, I  
17 would appreciate it because it gives  
18 misinformation, so you say.

19

We'd be happy to see that it is  
20 not.

21

They talk about a 99-year  
22 lease.

23

Interestingly enough, if we  
24 were setting up the museum, the museum would  
25 require ownership of the building. Why would it

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1

64

2 require ownership of the building. Because if  
3 there is a lease, no matter how long it's for,  
4 it reverts back to the lessor.

5 So if Mr. Thompson's group  
6 spends \$120 million and then additional money  
7 over the 99 year-period, at the end of the  
8 99-year period, and I know that seems to  
9 everyone to be a terribly long time, but it  
10 isn't, the building goes back to the State. And  
11 the State, which has carried for and nurtured  
12 this building so well, will now have the  
13 building in perfect condition that it owns and  
14 on a very, very valuable piece of land in Park  
15 Avenue in the 60s.

16 So it should not be a 99-year  
17 lease. If the State is serious about the  
18 preservation of this building, then whatever  
19 entity it selects should own the piece of the  
20 property so that it does not revert back to the  
21 State at the end of it.

22 I heard discussion about how  
23 deteriorated the Armory is.

24 We're sitting now in the  
25 Veteran's Room and I ask you to look about and  
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65

2 see the deterioration of this room.

8                           There is, over the staircase,  
9 some paint that is chipping and falling. That's  
10 because the State hasn't painted in ten years.

14                           We were going -- we brought in  
15        a crew to replace the wooden -- to repair the  
16        wooden floor in the Great Hall and we were  
17        stopped by the State of New York.

18                           We brought in people to clean  
19       and repair the doors as you come to the Armory.

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1

66

2                   We are very, very concerned  
3       about this building. We're very, very concerned  
4       about the property. We do not feel that ESD has  
5       the right to make any kind of lease because they  
6       do not own the property.

7                   The State is very shrill and  
8       very adamant and yells a great deal that they  
9       own the building, but the ownership is only  
10      words because there is no documentation, there  
11      is nothing to back it up.

12                  And we frankly do not  
13       understand why the Conservancy, which espouses  
14       preservation of these rooms and the furniture  
15       and all of the art, has not allied themselves  
16       with the veterans and joined the veterans in  
17       forcing the State to turn over the building and  
18       make it a museum.

19                  THE HEARING OFFICER: Mr.  
20       Dalva, would you please sum up, you've been  
21       speaking for over 15 minutes, sir.

22                  MR. DAVID L. DALVA: Okay, I'm  
23       sorry if I spoke too long.

24                  I've been involved in this as a  
25       -- from the lawsuit with the State since the

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67

2       1990s and I'm afraid I get a little bit  
3       passionate about it.

4                   I do not have a prepared  
5       statement. I do have some other documents that  
6       we prepared that we would like submit. One of  
7       which is our proposal on how to restore the  
8       building.

9                   THE HEARING OFFICER: Okay.

10                  MR. DAVID L. DALVA: Okay?

11       Thank you very much.

12                  THE HEARING OFFICER: Thank  
13       you.

14                  (Applause.)

15                  THE HEARING OFFICER: Let the  
16       record reflect that the document submitted by  
17       Mr. Dalva will be marked as Exhibit 16.

18                  (The testimony of Mr. David  
19       Dalva was marked as Hearing Exhibit Number 16.)

20                  THE HEARING OFFICER: I just  
21       want to make an announcement:

22                  At the beginning of these  
23       proceedings, I requested that if anybody wanted  
24       to speak beyond five minutes, to please let us  
25       know.

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1

68

2 I know this is a very  
3 passionate topic. I know people have a lot to  
4 say. I have a very, very long list. We're  
5 trying to get everybody in.

6 I'm not leaving until everybody  
7 has an opportunity to speak, but please be  
8 considerate of everybody else in this room and  
9 please try to keep it to five minutes.

10 If you need more than that,  
11 then why don't you wait towards the end, let me  
12 know so that other people who want to speak can  
13 leave.

14 And having said that, the next  
15 person on the list is Rita Chu.

16 A VOICE: Peter Chu? Peter  
17 Wells.

18 THE HEARING OFFICER: I have  
19 Rita Chu.

20 A VOICE: I can't hear.

21 THE HEARING OFFICER: Move up.

22 A VOICE: I will.

23 THE HEARING OFFICER: Come on  
24 up.

25 A VOICE: In due course.

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1

69

2 THE HEARING OFFICER: All right,  
3 go ahead.

4 MS. RITA CHU: Good afternoon,  
5 Carol, it's nice to see you dressed up,  
6 neighbors and fellow preservationists,  
7 My name is Rita Chu and I too  
8 am a Founding Director of FRIENDS of the Upper  
9 East Side Historic Districts, but today I am  
10 here to speak as President of 130 East 67th  
11 Street, a cooperative building that is a  
12 designated individual landmark located directly  
13 opposite the Seventh Regiment Armory's Drill  
14 Shed.

15 Can everyone hear me?

16 (No response.)

17 MS. RITA CHU: We ask the  
18 Empire State Development Corporation to  
19 seriously consider awarding the lease to the  
20 Veterans of the Seventh Regiment, a venerable  
21 organization with a vested, if not a proprietary  
22 interest in all that is best for this building.

23 It has the knowledge and  
24 understanding of the rich history of this  
25 building and of historic restoration that are

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70

2       sympathetic to, and respectful of, the building  
3       itself to bring it to its former glory.

4                     Its plan to continue with the  
5       operation of the trade shows and the women's  
6       shelter - but under better and more efficient  
7       conditions - and to open up the building as a  
8       decorative arts museum for the public and as an  
9       educational center for school children, is more  
10      sympathetic to this residential neighborhood.

11                  It has the financial means to  
12      restore the building and a financial plan to  
13      secure the future maintenance of this building.

14                  It can, of course, certainly  
15      benefit from the generous grant that the State  
16      is offering.

17                  And finally, the State has the  
18      moral obligation to honor in fact that the  
19      veterans of the Seventh Regiment are the  
20      rightful owners of this building.

21                  Thank you.

22                  THE HEARING OFFICER: Thank you  
23      very much.

24                  (Applause.)

25                  THE HEARING OFFICER: The  
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1

71

2 record should reflect that I have a one-page  
3 statement from Ms. Chu.

4 That will Exhibit Number 17.

5 (The testimony of Ms. Rita Chu  
6 was marked as Hearing Exhibit Number 17.)

7 THE HEARING OFFICER: We may  
8 have Peter Wells.

9 MR. PETER WELLS: Thank you.

10 My name is Peter Wells. I live  
11 at 449 East 78th Street, New York, New York 1  
12 double 0 21.

13 I was born in New York. My  
14 father and uncle were born here.

15 We all served in the United  
16 States Army and in the Seventh Regiment New  
17 York.

18 I am proud of that heritage.  
19 My credentials as a veteran are absolutely  
20 unassailable.

21 And what bothers me -- two  
22 things bother me really seriously to begin with.

23 Number one is this naked  
24 constitutionality of the State of New York in  
25 seizing this building. Think about it, you want

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1

72

2       the State of New York to seize your building,  
3       give them your address.

4                             And secondly, ESD who is  
5       represented by I assume these people here, we've  
6       attempted to talk to them over a long period of  
7       time. I don't even know what they look like  
8       'cause we've never had an opportunity to meet  
9       them face-to-face.

10                          And in no time, and this  
11      implies contempt for the veterans and the  
12      serving men of our military, has anyone from ESD  
13      ever made an effort to consult us on what might  
14      happen or what would have happened to this  
15      building.

16                          Another issue which I will  
17      point out to ESD again, we have on numerous  
18      occasions, that the structural quality of this  
19      building is excellent. The interior rooms that  
20      are damaged are a direct result of the  
21      negligence, criminal negligence on the part of  
22      the State of New York.

23                          They have never said they own  
24      the building until all of a sudden they thought  
25      maybe it would be a neat idea. It's not a neat

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1

73

2 idea. You don't seize private property.

3 Now, as to the Conservancy --  
4 this so-called Seventh Regiment Conservancy, I  
5 like some of the members of the Conservancy  
6 individually very much and I respect them,  
7 they're nice people, but from what I can see, a  
8 lot of statements made, particularly about the  
9 interior condition of the building and some of  
10 the other issues they raise, are perhaps the  
11 result of misinformation.

12 They certainly have an  
13 impressive group. However, they don't impress  
14 me because I served my country and I'm a  
15 descendant of the men who went before me.

16 These uniforms were worn by --  
17 worn by my forebearers (indicating) and their  
18 colleagues.

19 Those paintings in the halls  
20 were colleagues of my forebearers.

21 This is a regiment and a  
22 building that belongs to the City of New York  
23 and to America. This building doesn't belong as  
24 a performance venue. What do you want, Gaz and  
25 The Who and Magic Dragon all outside dumping

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1

74

2 five, ten thousand people on the street.

3 I disagree with everything the  
4 Conservancy says except I'd like to see this  
5 building restored.

6 The veterans of the Seventh  
7 Regiment have a plan to do it economically,  
8 quickly and conveniently and keep the Seventh  
9 Regiment name alive.

10 If we don't, God help us. Then  
11 everything that I hold value -- valuable and  
12 everything the world holds valuable has  
13 deteriorated.

14 This is a nation that's alive  
15 and living and breathing today because of the  
16 soldiers that served in it and this regiment has  
17 been doing it since 1806.

18 We're a democracy that's kept  
19 alive by our citizen soldiers and these are  
20 citizen soldiers.

21 Now, if you think I'm  
22 passionate about this, you're right. I didn't  
23 serve my country to have some group from the  
24 State of New York, a piddling bureaucratic  
25 collection, come in and take it away from me and

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1

75

2 take my country away from me and they're  
3 starting with this State -- they're starting  
4 with this Armory.

5 It's a beautiful building.

6 That's unconstitutional and we  
7 fought to defend the Constitution.

8 And I'd like to leave you with  
9 this: Some members and friends of mine gave the  
10 ultimate sacrifice and they were members of this  
11 regiment, a lot of them.

12 Thank you.

13 THE HEARING OFFICER: Thank  
14 you, sir.

15 (Applause.)

16 THE HEARING OFFICER: May we  
17 have Nikki Henkin.

18 MS. NIKKI HENKIN: My name is  
19 Nikki Henkin. I live on the East Side of New  
20 York but I'm here to read three statements,  
21 three letters into the record, okay?

22 THE HEARING OFFICER: Sure.

23 MS. NIKKI HENKIN: The first  
24 one is Marjorie L. Hart at 133 East 64th Street,  
25 New York, New York 10021.

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1

76

2

Dear Chairman Gargano:

3

I am writing as a member of the  
enth Regiment Armory Conservancy  
man of the Board of 133 East  
oration, a co-op neighbor and  
Armory.

8

It is with great enthusiasm and  
cacy that I urge you and the ESDC  
and ratify the General Project  
this historic treasure and  
tribution to the cultural and  
the Upper East Side.

14

I further urge your Board to  
lease with the Seventh Regime-  
cy so that this project can  
of 2005.

18

22

22 You now have before you a group  
23 of citizens willing to take the full financial  
24 and operating responsibility to stanch this  
25 decline and put right this major landmarked

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1 facility; to repair its systems and its fabric;  
2 to restore deteriorated spaces to their original  
3 splendor and to undertake enhanced cultural  
4 programming and dedicated public use of this  
5 unique historical space.

The Conservancy's plans also call for significant improvements in the interface of the building with the neighborhood: To minimize on-street loading; truck noise and traffic; to improve the lighting, enhancing safety in the neighborhood; improving the maintenance to reduce rat infestations, etcetera.

These improvements are much  
desired by the neighbors.

I therefore, support this  
project fully and urge you to approve the ESDC  
plan and lease to the Conservancy.

Want that one?

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1

78

2 (Handing.)

3 THE HEARING OFFICER: May the  
4 record reflect that we have a one-page statement  
5 from Marjorie Hart which will be marked as  
6 Exhibit Number 18.

7 (The testimony of Marjorie L.  
8 Hart was marked as Hearing Exhibit Number 18.)

9 MS. NIKKI HENKIN: This is  
10 from Cecilia Schmidt-Sarosi and Peter Sarosi,  
11 both of them Doctors at 51 East 67th Street, New  
12 York, New York 10021.

13 To whom it may concern:

14 I own a home on the Upper East  
15 Side where I practice medicine.

16 When I heard that there was a  
17 non-profit organization that wanted to restore  
18 and revitalize the Seventh Regiment Armory, I  
19 was very excited because this building has been  
20 neglected for too long and needed help.

21 Like many East-Siders, I had  
22 some questions: Who will lead the restoration?

23 What are the actual plans?

24 Will any part of these plans  
25 compromise the architecture of rich military

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1

79

2 history of the Armory?

3 As I learned more about the  
4 plans of the Seventh Regiment Armory  
5 Conservancy, I became more and more confident  
6 that the right people were to implement the  
7 right plan for the Armory.

8 I am happy that the Conservancy  
9 plans to restore both the exterior and interior  
10 of the building and honor the fine architecture  
11 long -- architectural it should be -- and long  
12 military history of the building, even opening  
13 up the historic regimental rooms to the public.

14 I fully support the Seventh  
15 Regiment Armory Conservancy's plan for this  
16 great East Side landmark.

17 Thank you.

18 Sincerely, Peter Sarosi, M.D.

19 THE HEARING OFFICER: Thank  
20 you.

21 I have a one-page document from  
22 Peter Sarosi, M.D.

23 We will mark it as Exhibit  
24 Number 19, please.

25 (The testimony of Cecilia  
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80

2 Schmidt-Sarosi, M.D., was marked as Hearing  
3 Exhibit Number 19.)

4 MS. NIKKI HENKIN: Okay, last:  
5 200 Block East 78th Street  
6 Association.

7

Dear Mr. Gargano:

8 As Co-chair of our block  
9 association for over 20 years and a long-time  
10 resident of the Upper East Side, I have seen  
11 many changes in our neighborhoods and not always  
12 for the better.

20                           Please don't let this be the  
21        fate of the Armory. This is a treasure of the  
22        Upper East Side and very much worth restoring  
23        and opening it up to the public would be such a  
24        wonderful addition to our community.

## The Seventh Regiment Armory

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1

81

2 Conservancy seems to have a beautiful plan ready  
3 to implement and I would like to see them do it.

4 Thank you.

5 Cynthia Matthews, Co-Chair.

6 (Handing.)

7 THE HEARING OFFICER: Thank  
8 you.

9 We have a one-page statement  
10 from Cynthia Matthews, co-chair.

11 And that would be marked as  
12 Exhibit Number 20, please.

13 (The testimony of Ms. Cynthia  
14 Matthews was marked as Hearing Exhibit Number  
15 20.)

16 THE HEARING OFFICER: May we  
17 have John F. McNamara.

18 MR. JOHN F. MCNAMARA: Yes.

19 John F. McNamara, Master  
20 Sergeant, retired.

21 I'm a member of the Post 107  
22 American Legion which is headquartered in this  
23 building. I'm also a member of the Veterans of  
24 the Seventh Regiment.

25 I joined the New York State  
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1

82

2 Army Reserve, National Guard 8 August, 1960 and  
3 served 21 years in the National Guard.

4 I'm a veteran of the United  
5 States Army by reason of being activated by the  
6 President during the Postal strike.

7 I spend at least one day a  
8 month, sometimes one day a week in this building  
9 performing administrative services for Post 107  
10 or for the veterans of the Seventh Regiment.

11 I have been in this building  
12 since 1960. This building means a great deal to  
13 me. I want to see it maintained. I want to  
14 see it restored.

15 I'm also a Professional  
16 Engineer by trade. Licensed in the State of New  
17 York and in the State of New Jersey.

18 I was a Design Project Manager  
19 for the restoration of the Hoboken Railroad  
20 Terminal where New Jersey Transit wanted it  
21 turned back to be restored to what it looked  
22 like in 1907 when it opened.

23 If you ever get the  
24 opportunity, go over and look at what we did,  
25 because I stand very proud of being part of that

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83

2 project.

3 I want to see the same kind of  
4 work done here.

5 I know some of the firms in the  
6 City of New York and companies like Fire Box  
7 (phonetic) have been kicked around and I've  
8 worked with them but they've worked for me  
9 actually.

10 The question always though that  
11 comes out is, who can do this work and who can  
12 get this job done?

13 Now, I've heard kicked around  
14 and right from the beginning, State of New York  
15 is going to throw \$30 million into the  
16 restoration.

17 The State of New York has had  
18 decades to operate and maintain this building,  
19 has done nothing. How can you be so naive to  
20 think they're going to give you \$30 million,  
21 even if they put it in writing.

22 They never lived up to their  
23 promises yet.

24 They could have maintained this  
25 building so that it wasn't dirty, so that the

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1

84

2 floors weren't worn.

3                         Now, as I've said, I've worked  
4 with design. I've also worked in construction  
5 for many years. This building is structurally  
6 sound. Yes, there are leaks. There is water  
7 coming down. I'd ask you, go down the hall,  
8 there's some rooms you can't go into because the  
9 plaster, the plaster is not structural material  
10 of the building. The steel, the concrete, that  
11 is what keeps the building up.

12                         The roof needs a tremendous  
13 amount of work and it's going to be very  
14 expensive, but this building can be saved.

15                         These rooms -- well, this one  
16 is not a good example to use, but some of the  
17 other rooms are in excellent shape but need  
18 cleaning.

19                         This one could use a cleaning  
20 too.

21                         You were given an opportunity  
22 to do something here and you all want to see it  
23 done and I agree with you, but I don't think the  
24 Conservancy will have the right to do it.

25                         Now, it's being challenged in  
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1

85

2 court as we stand here.

3                         The State has tried to grab the  
4 memorabilia, the military memorabilia and the  
5 artworks and has lost.

6                         Right now they're stalling to  
7 go back to the final court decision but they've  
8 lost and they know they lost.

9                         That stuff belongs to the  
10 Seventh Regiment Fund.

11                         The stuff on the walls here,  
12 this woodwork, the ceilings, they don't belong  
13 to the State. How can the State pass a law.

14                         You know if you read that law  
15 and I have read it and I'm not a lawyer, but  
16 I've worked with lawyers on contract claims in  
17 part of my career. The State has a right to  
18 take property under the statutes of eminent  
19 domain. That law does not claim eminent domain.  
20 It's not part of the procedures of eminent  
21 domain. And if it doesn't, then how can they  
22 just declare they're grabbing a piece of  
23 property?

24                         Even the recent United States  
25 Supreme Court decision says that the State or  
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1

86

2 local governments can take property under the  
3 provisions of eminent domain. That law does not  
4 involve this.

5 Thank you.

6 THE HEARING OFFICER: Thank  
7 you.

8 (Applause.)

9 THE HEARING OFFICER: May we  
10 have Thomas Levis.

11 MR. THOMAS LEVIS: Yes.

12 Thomas Levis. 29 Park Drive,  
13 Eastchester, New York.

14 I served in this Regiment from  
15 1953 until 1960. Excuse me.

16 Am I also the uncle of two  
17 young men serving with National Guard Regiments  
18 in Iraq.

19 From my knowledge of the  
20 building and its history, I believe that this is  
21 the most appropriate place for us to say thank  
22 you to the National Guardsmen.

23 Nowhere in this country have we  
24 memorialized what the National Guard has done  
25 for our cities, our States and our country.

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1

87

2                   I believe this is the most  
3 appropriate place to do it because of the  
4 history of this regiment.

5                   Founded 200 years ago, the  
6 bicentennial this next year, this regiment was  
7 the first regiment to be named "National Guard."

8                   In 1824 it served as a God of  
9 Honor to the Marquis de Lafayette, our beloved  
10 hero from the Revolution.

11                  With tears in his eyes he said  
12 to the officers of the regiment, "You remind me  
13 of my Garde Nationale and Paris." Thus, the  
14 officers decided to take on the title National  
15 Guard.

16                  It wasn't until 1960 that the  
17 State of New York decided to apply that title to  
18 all militia units and it wasn't until 1900 that  
19 that title was passed on to all of the militia  
20 units throughout the country.

21                  For some of you who may not  
22 know the history of this regiment, I just want  
23 to give you a couple of quick items.

24                  It was the first regiment to  
25 answer the call to Washington from Lincoln.

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1

88

2                         During the Civil War, 90  
3     percent of this Regiment's men left to become  
4     officers in others units.

5                         Six of those men earned  
6     (indicating) the country's highest Honor, the  
7     Medal of Honor.

8                         Another one of those members  
9     you may know from the film Glory, Colonel Robert  
10   Shaw, the leader of the 54th Massachusetts All  
11   Black Regiment was a member of this regiment.

12                        In the First World War, the  
13   regiment was called up and during the battle of  
14   the breaking of the Hindenburg Line, again, had  
15   its members distinguished itself (indicating.)

16                       Four won The Medal of Honor.

17                       What's particularly interesting  
18   about this is that throughout all of World War I  
19   only 95 Medals of Honor were awarded to the  
20   members of the Army.   Four of them to members  
21   of this regiment.

22                       And also during this period  
23   once again, 90 percent of the members, the  
24   existing members of the unit became officers and  
25   gained for the regiment the title, "West Point

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89

2 of the National Guard."

3                   In World War II the Regiment  
4 was called up as was all of the National Guard  
5 throughout the country in 1940, to provide the  
6 infrastructure for the United States Army when  
7 it had its peacetime draft.

8                   It was National Guardsmen that  
9 were first captured in the Philippines.

10                  I don't believe that enough  
11 people know and understand the role played by  
12 the National Guard throughout our history in  
13 civic affairs, not only here, but in other  
14 states.

15                  This would be the ideal place  
16 to maintain the history of these proud units and  
17 what they did to serve as an example to our  
18 children and grandchildren going forward, how  
19 you maintain democracy.

20                  I can only hope that somewhere  
21 in all the stuff that's been going and enough's  
22 been said of it, that the one thing we remember  
23 are the men and women who are putting their  
24 lives on the line today from the National Guard.  
25 And let's honor them.

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90

2 (Applause.)

3 THE HEARING OFFICER: Let the  
4 record reflect that Exhibit Number 21 is a  
5 two-page statement from Thomas Levis.

6 (The testimony from Mr. Thomas  
7 D. Levis was marked as Hearing Exhibit 21.)

8 THE HEARING OFFICER: May we  
9 have Lieutenant Colonel Daniel McNally.

10 MR. DANIEL MCNALLY: Good  
11 afternoon.

12 I just want to make a -- my  
13 name is Daniel McNally. I'm a Lieutenant  
14 Colonel in the Air Force Reserve.

15 I got 24 years in the Reserves  
16 in the National Guard. The first 14 years were  
17 with the 42nd Infantry Division.

18 I had the distinct pleasure of  
19 serving in this building between 1992 and 1995.

20 While I was serving in this  
21 building I was the Engineer Officer for the  
22 107th Corp Support Group.

23 As the Engineer Officer I had a  
24 specific duty for battlefield engineering and  
25 maintaining of things. And somehow that duty

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1

91

2 title kind of reflected back on the maintenance  
3 of this building. Of course it wasn't.

4 I want to bring up two  
5 incidences and I want to say that the  
6 deterioration of this building is substantial  
7 cosmetically and that it could have been  
8 prevented.

9 And it could not have been  
10 prevented by the veterans or by the soldiers who  
11 were assigned to this Armory for a number of  
12 reasons:

13 One, because of a historic  
14 landmark status it made us try to do some kind  
15 of self-help care for the building, impossible.

16 And so I'm going to tell you  
17 two incidences where water damage was permitted  
18 to run ramped.

19 I came into work one night down  
20 here on a Tuesday night and there was a leak on  
21 the second floor. It was coming through the  
22 ceiling. And I says, "Wow, this is terrible."

23 So me and another officer, an  
24 engineer, we tracked down the leak. The leak  
25 was a two-inch pipe above the fourth floor over

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1

92

2 by the restaurant. It had burst. Water was  
3 shooting out of it, running between the walls,  
4 soaking the plaster, making it heavy. When it  
5 became too heavy, gravity took care of the rest  
6 and it collapsed.

7 I went down to the  
8 superintendent, I says, "You have to call the  
9 plumber up here, we need a plumber, we need to  
10 patch this pipe and stop this." "That we can't  
11 do, it's with the State."

12 That was the answer.

13 Then I went to the OIC who was  
14 Colonel Jensen at that time -- Jenkins, Jenkins.  
15 And I grabbed him by the hand, I said, "Look,  
16 it's right there, we just need a patch on it to  
17 stop this."

18 Out of his pocket he called the  
19 plumber. We put a patch on it and we stopped  
20 it.

21 But that wasn't the proper  
22 procedure for doing that.

23 Another example of where  
24 something small became something big was, when I  
25 was here they replaced the roof and the south

1

93

2 side of the roof gets a lot of damage because of  
3 the sun that it takes. It has to be replaced  
4 every decade or so.

5 So they replaced the roof.

6 They put in all new leaders and gutters. But  
7 there was no maintenance to keep the leaders and  
8 the gutters clean so water would come off the  
9 roof and go down the side of the building and  
10 saturate the bricks. And then it would seep  
11 through the bricks and hit the plaster and then  
12 the plaster would become saturated.

13 So I says, let's go up there  
14 and clean the leaders and the gutters and that's  
15 what I had to do.

16 I went up there with a broom  
17 and my hand and dug all the leaves all out of  
18 there. And I mentioned it again to the  
19 superintendent. I says, "How come we don't have  
20 a guy up there once a month or something  
21 cleaning off the side of the roof"? "Ah, it's  
22 the State."

23 So I want you to understand  
24 that the deterioration of this building is not  
25 because of the soldiers who were here or the

1

94

2 veterans, it was because of the State. They  
3 refused to do simple repairs.

4 I don't know why, I think it  
5 might have something to do because this is a  
6 very valuable piece of property.

7 That's my first point.

8 The second point is in the 14  
9 years I was in the National Guard, I was  
10 assigned to four armories.

11 The first armory was the  
12 Engineering Armory up on 168th and Fort  
13 Washington Avenue. Beautiful armory. It was  
14 known as the athletic armory because of the size  
15 of its drill floor. And many of you who  
16 probably ran track in high school probably ran  
17 track up there.

18 The unit that was there was the  
19 102nd Combat Engineers. Illustrious history.  
20 Presidential citations for the Battle of Sipan.  
21 Alpha company withstood a kamikaze banzai attack  
22 by the Japanese. Held their position and  
23 prevented a fall of the flank and the loss of  
24 the island. Very historic place.

25 Columbia University, which is  
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1

95

2 right next door, Columbia Hospital, Columbia  
3 Presbyterian Medical Center always had eyes on  
4 that building. And sure enough they got it.  
5 It's in the form of an athletic facility that's  
6 affiliated with the hospital, but that Armory's  
7 gone. Soldiers can't even go in there anymore.

8                   Veterans who have served in  
9 that armory for years and years and years who  
10 have served their country proudly, are not  
11 allowed in the building.

12                  Another building which is gone  
13 now was the headquarters for the 42nd Infantry  
14 Division which right now, right now is fighting  
15 in Iraq. That's your National Guard unit from  
16 this State fighting in Iraq. 18 boys from the  
17 69th Infantry have been killed in this  
18 deployment.

19                  But the 42nd Infantry Unit  
20 Division Headquarters used to be on 14th Street.  
21 When 14th Street became nice again it shut the  
22 Armory down, tore it down. Now there's  
23 something else there.

24                  Finally, the last armory was  
25 the Kingsbridge Armory which is on Kingsbridge

1

96

2 Road and Jerome Avenue. People from the Bronx  
3 might recognize it because of the very large  
4 roof on it. That is the world's largest Armory.  
5 World's largest armory and the State let it  
6 deteriorate and now it's closed down and  
7 developers are going to go in there and they're  
8 going to do something. I think they're going to  
9 make a super K-Mart or something like that in  
10 there.

11 Of all the armories left in  
12 Manhattan, there's only three and this one is  
13 the most beautiful.

14 This one has tremendous  
15 history.

16 Of all the history that we're  
17 losing because of tearing down our armories  
18 because they became valuable to other people,  
19 there's no place for them Armories to show their  
20 lineage and their history and the things that  
21 help motivate soldiers when things get tough.

22 There's no museum in New York  
23 to honor our military people.

24 This would be a perfect spot.  
25 This should be the place.

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1

97

2 Thank you.

3 (Applause.)

4 THE HEARING OFFICER: Thank  
5 you.

6 May we have Alice Rich.

7 MS. ALICE RICH: Good  
8 afternoon.

9 I'm Alice Rich. I represent  
10 the Historic Districts Council.

11 We're the citywide advocate for  
12 New York's historic district and structures.

13 Our Public Review Committee  
14 monitors proposals within the historic districts  
15 and to individual landmarks.

16 Our committee has reviewed the  
17 application now before the Empire State  
18 Development Corporation and would like to thank  
19 both the Seventh Regiment Armory Conservancy for  
20 taking the time to give us a tour of the  
21 building and the ESDC for giving us the  
22 opportunity to comment on this proposal.

23 HDC has long been aware of this  
24 imposing and important building in the Upper  
25 East -- on the Upper East Side and the issues

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1

98

2 concerning its preservation.

12 There are many grave threats to  
13 the remarkable architectural works of art that  
14 this building contains as well as the physical  
15 structure of the building itself.

16                           HDC was impressed with the  
17       quality of the restoration plans.

18 It is high time that this  
19 magnificent building be properly restored and  
20 its deterioration halted after a lengthy period  
21 of inadequate maintenance.

25 HDC supports the State of New

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1

99

2 York's plan to lease the building to the Seventh  
3 Regiment Armory Conservancy.

4 Thank you for your  
5 consideration.

6 THE HEARING OFFICER: Thank  
7 you.

8 Do you wish to submit anything?

9 MS. ALICE RICH: Yes.

10 THE HEARING OFFICER: Thank you  
11 very much.

12 The record should reflect that  
13 Exhibit Number 22 is a one-page letter from the  
14 Historic Districts Council.

15 (The testimony of Ms. Alice  
16 Rich was marked as Hearing Exhibit 22.)

17 THE HEARING OFFICER: May we  
18 please have Frank Sanchis.

19 Is Mr. Sanchis still here?

20 A VOICE: Yes, he's here.

21 THE HEARING OFFICER: Yes? Okay.

22 MR. FRANK SANCHIS: Good  
23 afternoon.

24 I'm Frank Sanchis. I'm the  
25 Senior Vice President of the Municipal Arts

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1

100

2       Society of New York.

3                                  For many years the Society has  
4       been alarmed by the deteriorating condition of  
5       this building which, as you might have heard, is  
6       a landmark of both local, State and National  
7       stature.

8                                  We have also for a long time  
9       been supporters of partnerships between private  
10      and public organizations and we feel that the  
11      partnership that has been struck between the  
12      Conservancy and the State in the instance of  
13      this building is ideal and will provide for the  
14      care and preservation of a building which richly  
15      deserves preserving it for future generations.

16                                We therefore urge that the  
17      lease be entered into and congratulate you in  
18      advance on its success.

19                                Thank you.

20                                THE HEARING OFFICER: Thank  
21      you.

22                                May we have Kent Barwick.

23                                MR. KENT BARWICK: Yes.

24                                Good afternoon.

25                                My name is Kent Barwick. I'm a

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1

101

2 member of the Board of the Seventh Regiment  
3 Conservancy and I'm President of the Municipal  
4 Arts Society which is located at 457 Madison  
5 Avenue.

6 I have a statement which I will  
7 submit.

8 Almost all the points as you  
9 can imagine have been made.

10 I think several things are  
11 evident in this afternoon's heated conversation.

12 One is that this is an  
13 incomparable asset. This is -- this building is  
14 a building is New York at its best at the height  
15 of its powers artistically and politically and  
16 economically.

17 Socially it is as the  
18 recitation of the accomplishments of the Armory  
19 that they built this and maintained this  
20 structure for so long, the record of this unit  
21 goes way, way back to the fact that I think it  
22 first came to public attention during the draft  
23 riots or the theater near Astor Place.

24 And thirdly, that whoever's  
25 fault it may have been in the past, that this is

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1

102

2 a treasure that is beyond the capacity of a  
3 distant public agency to maintain from Albany,  
4 perhaps because there are many, many more  
5 pressing defense needs than the maintenance of  
6 this building.

7                   But there has been a lot of  
8 deteriorating. When the lights are on you can  
9 see. In fact, I can remember in 1996 coming  
10 into this room. We were planning an event here  
11 one afternoon just about this time through that  
12 door and poised next to that window was a  
13 workman with a giant crowbar who was just about  
14 to pry off the paneling in order to get to the  
15 window to repair the window because of course  
16 there's an iron guard on the outside.

17                   I think the proposed lease is  
18 promising and in fact essential to guarantee  
19 that this building architecturally, socially and  
20 in terms of the history, the military history of  
21 the City --

22                   I think the only other point  
23 that hasn't been made, it's not mine to make,  
24 I'm not a veteran of the Seventh Regiment, but  
25 that the military service is one of the few

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1

103

2 shared experiences in our city and wars that we  
3 fought are one of the few things that brought us  
4 together.

5

I believe that the

6 Conservancy's goals are of the highest in its  
7 capacity, intellectually and artistically is  
8 without parallel and that its ability to raise  
9 the funds has already been demonstrated.

10

So I hope that the State will  
11 act promptly to approve this lease.

12

I believe that when all of us  
13 meet here in five or six years, in  
14 air-conditioned splendor, that all of this, the  
15 veterans, the neighborhood, the people who care  
16 about architecture, the people who care about  
17 the history of this city, will be very, very  
18 pleased with the important step that's  
19 contemplated today.

20

Thank you.

21

On behalf of the record I'd  
22 like to submit this document.

23

(Handing.)

24

(Applause.)

25

THE HEARING OFFICER: Let the  
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1

104

2 record reflect that Mr. Kent Barwick has  
3 submitted a two-page statement.

4 It will be marked as Exhibit  
5 Number 23.

6 (The testimony of Mr. Kent  
7 Barwick was marked as Hearing Exhibit Number  
8 23.)

9 THE HEARING OFFICER: May we  
10 have Catherine Sweeney Singer.

11 MS. CATHERINE SWEENEY SINGER:  
12 Good afternoon.

13 My name is Catherine Sweeney  
14 Singer. I live at 410 East 74th Street and I've  
15 been a resident of New York City since 1978.

16 My late father was a West Point  
17 graduate. Top five in his class.

18 I am a daughter of a member of  
19 the Seventh Regiment and two of my -- I'm sorry,  
20 granddaughter and two of my great uncles were  
21 members of this Regiment.

22 Also my next younger brother is  
23 currently serving his third tour of duty as a  
24 Major in the Air Force.

25 Those are my military

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1

105

2 credentials.

3 I am appearing today to speak  
4 briefly as Executive Director of the Winter  
5 Antique Show which is owned by its beneficiary,  
6 East Side House Settlement in the South Bronx.

7 I speak today on behalf of the  
8 show which has been held in this Armory every  
9 year since 1955, with two exceptions. I'll  
10 address those exceptions in a moment.

11 I also am an art and  
12 architectural historian with 27 years'  
13 experience in the art and antique fields in New  
14 York City.

15 I have spent more than 200 days  
16 in this building and some long nights.

17 I am thoroughly familiar over  
18 the past eleven years with producing a show here  
19 and what has changed in producing a show here  
20 over the past eleven years.

21 I was commissioned in the year  
22 2000 by the Seventh Regiment Armory Conservancy  
23 to write a report on the use, past, present and  
24 proposed uses of this building for the arts and  
25 Antique Show so I'm very familiar with the plan.

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1

106

2                           For those of you not familiar  
3                           enough with the show in this building, the  
4                           Winter Antique Show is simply the best example  
5                           of what the shows produce for this building, for  
6                           the community and the City of New York.

7                           The Winter Antique Show  
8                           requires a 19-day window for its set-up,  
9                           preview, ten-day run and breakdown.

10                          The Winter Antique Show is  
11                          considered the Super Bowl of the art and antique  
12                          world.

13                          The Winter Antique Show sets  
14                          the standard for art and antique shows across  
15                          America.

16                          In New York we are the only  
17                          antique show in which all of the net profits  
18                          support a charity, the East Side House  
19                          Settlement.

20                          We net more than \$1 million  
21                          each year for East Side House. The show though  
22                          produces tens of millions of, not profits, but  
23                          tens of millions in sales for our exhibitors.

24                          We have 25,000 visitors over  
25                          the course of our ten-day run.

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1

107

2                           The Winter Antique Show is the  
3                           centerpiece of what's now called Americana Week  
4                           in New York City.

5                           The major auction houses time  
6                           their Americana sales to coincide with our show.  
7                           Private galleries and some museums mount  
8                           exhibitions timed with our show. And at least  
9                           four other commercial shows take advantage of  
10                          the Winter Antique Show's power to draw serious  
11                          buyers to New York during the third week of  
12                          January.

13                          One-third of the Winter  
14                          Antiques Show's exhibitors are already based  
15                          with businesses in New York City. Why then  
16                          would they spend from ten to \$100,000 to do a  
17                          show at the Armory.

18                          As one exhibitor, Bernie Karr  
19                          of Hyde Park Antiques told us, "More qualified  
20                          buyers come through my booth at the Winter  
21                          Antique Show over ten days than we see all year  
22                          in our show downtown."

23                          Twenty years ago in 1985, there  
24                          were only a few annual shows in this building.  
25                          When I wrote my report for the Conservancy in

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1

108

2 2000, there were 22 and the number has increased  
3 since then.

4 The Winter Antique Show's  
5 success with this Armory and its annual venue  
6 has made this Armory "the" venue for major art  
7 and antique shows in America.

8 The success had other benefits.

9 Many of the other shows give  
10 their night proceeds to a designated beneficiary  
11 in New York City.

12 This includes the Henry Street  
13 Settlement, the Society of Memorial  
14 Sloan-Kettering Cancer Center, Lenox Hill  
15 Neighborhood House, The Boys Club of New York  
16 and many museums, including the Frick and Asia  
17 Society.

18 Art and antique shows held at  
19 this Armory benefit other shows in New York City  
20 as well as museums, auction houses and  
21 galleries.

22 Art and antique shows held in  
23 this building benefit other businesses and  
24 tourism in New York City.

25 Both exhibitors and visitors to  
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1

109

2 the shows at the Armory book hotels,  
3 restaurants, theatre tickets, car services and  
4 of course shop elsewhere while they're in New  
5 York.

6 The successful use of the  
7 Seventh Regiment Armory for antique shows began,  
8 as I mentioned, in 1955.

9 In 1956 the Winter Antique Show  
10 moved just for one year to the 69th Regiment  
11 Armory on Lexington at 26th Street. Then  
12 returned here to the Seventh.

13 The only hiatus since then was  
14 after 9/11 when we were not permitted to use  
15 this building in January of 2002. And with  
16 great expense an effort, mounted something  
17 similar to the Winter Antique Show at the Hilton  
18 Hotel.

19 I know from writing my report  
20 and from the hands-on experience of creating a  
21 show like the Winter Antique Show at the Hilton,  
22 that there is no better, accessible,  
23 unobstructed flat floor facility with street  
24 access in an appropriate location for art and  
25 antique shows in the City than this Armory.

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1

110

2                   It is fitting that we are  
3       having this heated discussion in a room where we  
4       all can have art vetting meetings for the Winter  
5       Antique Show.

6                   For those of you who don't  
7       know, vetting is the process through which we  
8       authenticate and decide whether a work of art is  
9       true and real, whether it is of the highest  
10      quality and in fact whether it is show-worthy.

11                  And the Winter Antique Show is  
12      confident that the Seventh Regiment Armory  
13      Conservancy's plan is authentic and will restore  
14      this building to its authenticity; will restore  
15      it to its highest quality and will ensure that  
16      this building remains show-worthy in the future.

17                  Thank you.

18                  (Applause.)

19                  THE HEARING OFFICER: Thank  
20      you.

21                  May we now have Janet Ross.

22                  MS. JANET ROSS: First I would  
23      like to say I was very moved by the veteran's  
24      speeches and I know they come from the heart and  
25      I doubt that there's anybody here who doesn't

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1

111

2 have relatives who fought in our various wars,  
3 although they didn't belong to this Armory. But  
4 I think that any of those people who come to  
5 this building would be inspired by all of the  
6 things that are here.

7                   And I don't feel that they need  
8 to feel that they're giving up ownership because  
9 it's an ownership of the spirit.

10                  As a 40-year resident of New  
11 York City and one who cares deeply about the  
12 restoration and preservation of this magnificent  
13 historic building and the fabric of life in the  
14 City, I urge all who attend this hearing of the  
15 Empire State Development Corporation to support  
16 the Seventh Regiment Armory in its effort.

17                  As the Armory is today, its  
18 safety and utility is greatly jeopardized along  
19 with its historical value. It is vital that  
20 this danger be addressed.

21                  Much damage through time and  
22 neglect has also been done to the beauty of its  
23 original art and workmanship. With much work,  
24 this legacy is retrievable.

25                  For inspiration and

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1

112

2 encouragement, one has only to go two blocks  
3 west to see what the Central Park Conservancy  
4 has helped the Parks Department to achieve.

5 This building, originally built  
6 by private donations, can also be revived and  
7 sustained in the same way.

8 This testimony, respectfully --  
9 respectfully submitted by Janet C. Ross, Board  
10 Member of the Seventh Regiment Conservancy;  
11 Board Member of the Municipal  
12 Arts Society;

13 And a member of the  
14 Preservation League of New York State.

15 THE HEARING OFFICER: Thank  
16 you very much.

17 The record should reflect that  
18 Exhibit number 24 is a one-page statement from  
19 Janet, middle initial C, last name Ross.

20 (The testimony of Janet C. Ross  
21 was marked as Hearing Exhibit 24.)

22 THE HEARING OFFICER: May we  
23 please have Barry Klein.

24 MR. BARRY KLEIN: Hi  
25 everybody. My name is Barry Klein.

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113

2 I'm here representing Assembly  
3 Member Jonathan Bing.

4 Good afternoon. My name is  
5 Jonathan Bing and I'm the Assembly Member for  
6 the 73rd Assembly District on the East Side of  
7 Manhattan.

8 I'm testifying today because  
9 the district I represent includes the Seventh  
10 Regiment Armory on East 66th and 67th Streets  
11 between Park and Lexington Avenues.

12 As the Assembly Member for this  
13 area, I have been actively involved in the plans  
14 to repair and redevelop the Armory since I was  
15 first elected in 2002, including introducing  
16 legislation in the Assembly, signed into law as  
17 Chapter 482 of 2004, that allows the Armory to  
18 be turned over to a private, not-for-profit  
19 corporation so that the building can undergo  
20 extensive restoration and preservation.

21 I had the opportunity to tour  
22 the building and see firsthand its state of  
23 disrepair.

24 I therefore, support the plan  
25 of the Seventh Regiment Armory Conservancy to

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1

114

2 repair the building and allow it to be operated  
3 in a safe manner so that it can be appreciated  
4 by future generations.

5                   The Armory is not only  
6 important to the cultural life of this city but  
7 its restoration is vitally important to the  
8 community safety and homeland security.

9                   The Conservancy is a  
10 not-for-profit organization responsible for the  
11 restoration and preservation of the 126-year old  
12 Seventh Regiment Armory.

13                  It is important to note that  
14 while operated by the Conservancy, the Armory  
15 will remain a New York State facility. As  
16 such, it will continue to house New York  
17 National Guard offices and be fully available in  
18 times of emergency for National Guard use, as it  
19 was after the events of September 11, 2001.

20                  Additionally, the highly  
21 successful Lenox Hill Neighborhood House  
22 homeless shelter for women will remain at the  
23 Armory throughout the construction and after  
24 renovations are completed.

25                  The Armory serves as one of the  
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115

2 finest examples of the American Aesthetic  
3 Movement with among the most important  
4 collections of 19th Century interiors to survive  
5 intact in one building.

6                         Unfortunately, the Armory is  
7 descending into a state of disrepair due to  
8 decades of neglect and minimal maintenance.

9                         The poor condition of the  
10 Armory creates a potentially dangerous situation  
11 for those who work in the building and the  
12 surrounding neighborhood.

13                         Addressing the need for  
14 physical repair and restoration on the interior  
15 and exterior in a timely manner is critical to  
16 the continued functioning of the building.

17                         The Conservancy is committed to  
18 raising over \$100 million through public and  
19 private donations to fund its redevelopment plan  
20 for the Armory.

21                         The primary goal of the  
22 Conservancy is the repair and refurbishment of  
23 the Armory. It will ensure the structural  
24 soundness required of the building that  
25 would potentially house National Guard units in

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116

2 a time of emergency. In addition, the  
3 Conservancy seeks to restore what is truly a  
4 national treasure in a matter that befits a  
5 building of its architectural and historical  
6 magnitude.

7 Following the renovations, the  
8 Conservancy will work to make the Armory a  
9 unique destination for the public to enjoy the  
10 highest quality cultural programming.

11 The Conservancy has already  
12 made clear its commitment to working with the  
13 community and providing information about the  
14 construction and subsequent activities.

15 One way of fulfilling this  
16 promise is the Conservancy's promise to maintain  
17 a staffed, on-site office to receive telephone  
18 calls or walk-in visits from the community.

19 The Conservancy has made clear  
20 that they expect much of the work to be done on  
21 the interior of the Armory out of site of local  
22 residents.

23 Additionally, the Conservancy's  
24 plan includes finally providing handicapped  
25 accessible entrances to the Armory on the east

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2 and north sides of the building.  
3 In partnership with local  
4 unions, this construction will create dozens of  
5 new quality jobs now and in the future and allow  
6 for the continued use and enjoyment of this  
7 building for generations to come.

12 I recommend the approval of the  
13 plan submitted by the Conservancy and the  
14 much-needed refurbishment of this important  
15 landmark.

I will continue to work with  
community residents and other interested parties  
to ensure that the building remains one of which  
all this City and State can be proud.

22 THE HEARING OFFICER: Do you  
23 wish to submit it?

24 MR. BARRY KLEIN: Absolutely.

25 THE HEARING OFFICER: Thank

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118

2 you.

3 MR. BARRY KLEIN: Thank you.

4 THE HEARING OFFICER: The  
5 record should reflect that Exhibit number 25 is  
6 a two-page statement from Assembly Member  
7 Jonathan L. Bing.

8 (The testimony of Assembly  
9 Member Jonathan L. Bing was marked as Hearing  
10 Exhibit 25.)

11 THE HEARING OFFICER: And last  
12 person on our list, Shelley Mayer.

13 MS. SHELLEY MAYER: I'm Shelley  
14 Mayer.

15 I'd like to read into the  
16 record a letter from Robert B. Tierney, the  
17 Chair of New York City Landmarks Preservation  
18 Commission addressed to Charles Gargano.

19 Dear Mr. Gargano:

20 I am writing to express my  
21 support for the proposal to allow the Seventh  
22 Regiment Armory Conservancy to undertake efforts  
23 to provide for the restoration and renovation of  
24 the Seventh Regiment Armory.

25 We understand that the

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119

2 Conservancy intends to restore the Armory in a  
3 way that is appropriate to its architectural and  
4 historic importance and to create a new cultural  
5 institution that will feature performances,  
6 exhibitions and events that will include dance,  
7 music and the visual arts.

8 I look forward to the  
9 restoration and renovation of this important  
10 structure.

11 Sincerely, Robert B. Tierney.

12 THE HEARING OFFICER: Thank you  
13 very much.

14 The record should reflect that  
15 Exhibit Number 26 is a one-page statement from  
16 Robert B. Tierney, T-I-E-R-N-E-Y.

17 (The testimony of Chairman  
18 Robert B. Tierney of the New York City Landmarks  
19 Preservation Committee was marked as Hearing  
20 Exhibit Number 26.)

21 THE HEARING OFFICER: Is there  
22 anyone else present who would like to make a  
23 statement regarding the project?

24 Would you come forward.

25 (Person complies.)

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120

2 THE HEARING OFFICER: Off the  
3 record.

4 (Discussion off the record.)

5 MS. JOSEPHINE MCCARITA: I  
6 have a question for the State to answer. And  
7 before the State allows a lease to be presented  
8 to the Conservancy, the State has to answer:  
9 What did they do with the funds from the antique  
10 shows, the book fares?

11 There is no segregated  
12 accounting. Those funds have not been accounted  
13 for. It goes into a general fund up in New York  
14 State. The Department of Military and Naval  
15 Affairs in Latham, New York does not have any of  
16 those segregated funds to speak of.

17 The problem here is this Armory  
18 is in the condition it's in because of the  
19 State. And all the members of the Conservancy  
20 have to realize your work, your efforts are for  
21 naught right now. What you need to do is to  
22 confront the State and say: why did you allow  
23 this Armory to be the way it is, where are the  
24 funds, we want to see the financial records, how  
25 come all of a sudden you are all being told that

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121

2 there is \$30 million from the State to use,  
3 where did they get it from, why did they insist  
4 on ignoring letters that we have written to  
5 them.

6                   When the Clark Room ceiling  
7 fell, I answered the phone from the curator.  
8 The curator is no longer here. Why? The State  
9 doesn't have any money to give for a curator.

10                  Years ago the regiment had a  
11 tour curator. He would take the public, take  
12 the children on tours.

13                  This was an Armory that was  
14 very well cared for by the regiment. The State  
15 is really a sham in this whole scheme. They're  
16 making the veterans look like they're nothing.  
17 They're telling you a bag of lies, things that  
18 are not the truth.

19                  All this memorabilia  
20 (indicating) either was donated by the families  
21 of the deceased or given by the soldiers  
22 themselves when they came back from war.

23                  This is a memorial. This room  
24 should not be used as a dining room. It was  
25 never meant for that.

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1

122

2                   There are many times I see  
3       children coming in here with their parents and  
4       being awed. I took one child and explained the  
5       Thomas Mast picture to that child.

6                   All these things are important.  
7       And by you turning your back and saying, yes, we  
8       all want to see this in good shape, but why did  
9       the State let it go? For what reason? How come  
10      when the tour -- when the antique shows and book  
11      fares come in here, the agreements that they  
12      make with the book fare people, with the antique  
13      shows, in some cases are not given ahead of the  
14      show, they're given later on.

15                  In other cases, when the money  
16      is paid, why isn't it put in a segregated fund,  
17      so that the DMNA can use those funds to properly  
18      maintain this Armory?

19                  You know, this is illegal.  
20       This is -- by omission and being silent the  
21       State is trying to look like the good guy.  
22       Well, they're not.

23                  We have written letters to  
24      them, phone calls to them. And I say to the  
25      State, New York State give up and New York City

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123

2 wake up.

11 Your efforts are being totally  
12 honorable but is the State honorable to you as a  
13 Conservancy group? Are they honorable? They're  
14 not honorable to veterans. That's for sure.

15                           They have turned their backs on  
16 every attempt. And I have been working on this  
17 for a total of nine years and I know. And I've  
18 met some of you at the meeting upstairs when I  
19 was taking minutes.

20 And I think it's not -- the  
21 disgrace is the lying that goes on. That's the  
22 disgrace. And a disgrace is how they want to  
23 maneuver the attention away from and make it  
24 sound that the veterans are wrong. That is  
25 wrong.

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124

2                   They have hoodwinked people.

3                   They have bamboozled people. What are they  
4                   doing with those funds?

5                   In the courts we have that  
6                   question. Where did the money go? It's a  
7                   criminal thing. It's not only a disgrace, it's  
8                   criminal.

9                   So think about that. That  
10                  thought is an important thought and it goes all  
11                  the way to the top because every one of them  
12                  ignored, even part of the City where we have  
13                  sent them faxes and a call, telephone call,  
14                  nothing returned to us.

15                  So what do you have here? What  
16                  do you have? They're trying to make money on --  
17                  this is a memorial. It's nothing more. This  
18                  room should not be used as a dining room or a  
19                  reception room. It's out of the question.

20                  The men in the veterans group  
21                  wanted it to be a memorial, a museum, so we can  
22                  have -- we had a curator. Why did -- is it we  
23                  cannot afford a curator when all of the sudden  
24                  the State comes up with \$30 million? From who?  
25                  Where did they get it?

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125

2 THE HEARING OFFICER: Ms.

3 McCarita, would you please sum up so we can --

4 MS. JOSEPHINE MCCARITA: Okay.

5 I -- I'm so adamant with the State, if I had a  
6 whip, I would put them up against the wall and  
7 whip them. They have no right to do this. We  
8 are all citizens here and what are they doing  
9 with the taxpayers' money in court all these  
10 years. Why? Why are they allowed to spend that  
11 money?

12 Answer that question.

13 Thank you.

14 THE HEARING OFFICER: Thank you  
15 very much.

16 (Applause.)

17 MS. SUSAN FERRERA: I'll be  
18 your briefest speaker for today.

19 I -- my name is Susan Ferrera.  
20 I'm on the Board of 116 East 68th Street and 115  
21 East 67th Street which are right opposite the  
22 side of the Armory in this direction.

23 I don't think that -- I'm sure  
24 nobody in this room is opposed in any way to  
25 restoration of the Armory, and I don't want to

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126

2 weigh in on any kind of legal issues.

3 Obviously, I think whatever is legally correct I  
4 want to see that happen.

5                         However, we are living in a  
6 neighborhood that while deemed residential, has  
7 a great deal of traffic. It's an extremely  
8 active neighborhood as I think that most of you  
9 who live anywhere in the area are well aware.

10                        However, we who sit directly on  
11 the sidelines of the Armory are the ones who are  
12 the most aware of it of all.

13                       Knowing that there are plans in  
14 the works to have performances of one sort or  
15 another in the works for 330 days a year and in  
16 many cases, performances that are distinctly  
17 different from the current antique which --  
18 antique show which, while they attract many  
19 thousands of people, do not require that people  
20 should be present to sit down for an 8:00  
21 curtain or something like that, I think would  
22 make a great deal of difference to us.

23                       We have already had many  
24 problems with traffic congestion. We've had  
25 accidents in the area because of pileups of cars

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127

2 outside the armory. I could go on and on about  
3 all these things that were said by those who  
4 have gone before me that have spoken about this  
5 much more eloquently than I possibly could.

6 I will tell you about a  
7 long-term concern that I personally have.

8 I think we've all read, you  
9 know, many an article, many a volume, heard many  
10 a comment about the struggles in existing  
11 cultural institutions that this City  
12 experiences.

13 When Lincoln Center, when other  
14 organizations and venues are having such severe  
15 financial problems, what is going to be the fate  
16 of the Armory should the Conservancy Group and  
17 the State prevail and it doesn't work out  
18 economically, then what? Will we get the next  
19 Bloomberg Building over this site?

20 I'm really very concerned about  
21 that. So is everybody else in our building who  
22 is sitting right here with a ringside seat on  
23 all of this.

24 So thank you all very much for  
25 your time.

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128

2 (Applause.)

3 THE HEARING OFFICER: Thank  
4 you.

5 I'd like to make an  
6 announcement.

7 Please note that the comment  
8 period for this particular project will remain  
9 open for 30 days and that's until August 21,  
10 2005.

11 If you have any written  
12 comments they may be sent to, I'm going to give  
13 you an address if anybody wants to write it  
14 down, to either Carol, C-A-R-O-L Berens,  
15 B-E-R-E-N-S, or William Sherman, S-H-E-R-M-A-N,  
16 at ESDC, 633 Third Avenue, New York City 10021.

17 I'm sorry, 10027. Okay, 10017.

18 Is there anyone else who would  
19 like to make a statement regarding the project?

20 (No response.)

21 THE HEARING OFFICER: The time  
22 is now ten minutes after four in the afternoon.

23 This hearing has been held open  
24 since two p.m. to allow for public comment on  
25 the proposed project.

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129

2                   Before we close I'll ask one  
3 more time, does anyone want to say anything,  
4 make a comment?

5                   (No response.)

6                   THE HEARING OFFICER: Let the  
7 record reflect that there's been no additional  
8 request for anyone to speak.

9                   This hearing is now officially  
10 closed at 4:11 p.m.

11                  On behalf of ESDC, thank you  
12 all for coming.

13                  Have a good afternoon.

14                  (Time noted: 4:13 p.m.)

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130

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4 C E R T I F I C A T I O N

5

6 I, MARC RUSSO, a Shorthand Reporter  
7 and Notary Public, within and for the State of  
8 New York, do hereby certify that I reported the  
9 proceedings in the within-entitled matter, on  
10 July 21, 2005, at 643 Park Avenue, New, New  
11 York, and that this is an accurate transcription  
12 of these proceedings.

13 IN WITNESS WHEREOF, I have hereunto  
14 set my hand this 17<sup>th</sup> day of *July*,  
15 2005.

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*Marc Russo*  
MARC RUSSO

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